

E-Proceeding **(Extended Abstract)**

SAIS 2022

SEMINAR ANTARABANGSA ISLAM DAN SAINS 2022

THEME MEMIMPIN INTEGRASI ILMU NAQLI DAN AQLI

VENUE *Fakulti Perubatan dan Sains Kesihatan, Universiti Sains Islam Malaysia*

DATE 1 DECEMBER 2022

EDITOR

NURADLI RIDZWAN SHAH MOHD DALI (HEAD)

SITI RUBAINI MAT

IRWAN MOHD SUBRI

ORGANIZED BY



INSTITUT FATWA DAN HALAL
INSTITUTE OF FATWA AND HALAL

مجمع الفتوى والحلال

Copyright

Copyright © Persatuan Kakitangan Akademik USIM (PKAUSIM),
Universiti Sains Islam Malaysia (USIM), Nilai, 71800 Negeri Sembilan.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form, or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the publisher.

First Published in 2022 by

Penerbit USIM
Universiti Sains Islam Malaysia
Bandar Baru Nilai, 71800, Nilai
Negeri Sembilan, Malaysia
Email: pej.penerbitan@usim.edu.my
Website: www.penerbit.usim.edu.my
Phone: +606-798 8226/6749

Perpustakaan Negara Malaysia
Cataloging-in-Publication Data

E-Proceeding Extended Abstract SAIS 2022 Seminar Antarabangsa Islam dan Sains 2022,
Secretariat SAIS 2022, Persatuan Kakitangan Akademik USIM (PKAUSIM),
Universiti Sains Islam Malaysia (USIM), Nilai, 71800 Negeri Sembilan.
1 December 2022
e-ISBN: 978-967-0001-80-7

1. Nuradli Ridzwan Shah Mohd Dali
2. Irwan Mohd Subri
3. Siti Rubaini Mat

PREFACE

The **Seminar Antarabangsa Islam dan Sains (SAIS 2022)** or International Seminar on Islam and Science is jointly organized by Persatuan Kakitangan Akademik Universiti Sains Islam Malaysia (PKAUSIM), Faculty of Syariah and Law, USIM and the Institute of Fatwa and Halal (iFFAH), USIM. The theme of this year seminar is “**Memimpin Integrasi Ilmu Naqli dan Aqli**”.

The Seminar provides a platform for dialogue and discussions between academicians, researchers, and graduate students to address current issues, challenges and opportunities across fields and industries.

All presenters involved are cordially invited to share knowledge and expertise by presenting their valuable findings in the conference which is held on 1th December, 2022.

SAIS 2022 Committee

FOREWORD OF THE PROGRAMME DIRECTOR



PROF DR AZMAN BIN AB RAHMAN
DIRECTOR,
SEMINAR ANTARABANGSA ISLAM DAN SAINS
(SAIS 2022)

Assalamu'alaikum warahmatullah wabarakatuh

Praise to Allah for His blessings, the **Seminar Antarabangsa Islam dan Sains (SAIS 2022)** has been successfully organized. Islam and Science presents an articulate and concise historical introduction to intellectual developments that have shaped Islamic civilization, both religious and scientific. The seminar which is organized by USIM Academic Staff Association (PKAUSIM) in collaboration with Faculty of Syariah and Law USIM and the Institute of Fatwa and Halal (iFFAH) is held as a platform to exchange ideas, thoughts and knowledges regarding the current issues which relate to Islam and science.

Academic world has been challenged by the 'pause' that is recorded by the presence of pandemic. Webinar and e-conference has been held, but ongoing research must go on. Today USIM is beginning to shine and together with ongoing Industrial Revolution, IR4.0, we have yet to overcome a serious problem as the cases now start to increase with the new variant the Omicron XBB. We need to work together in our different fields to overcome health, economic, education and social challenges and indulge in our all-times agenda. Therefore, the seminar theme "**Memimpin Integrasi Ilmu Naqli dan Aqli**" is very much reflecting the issue and current needs. The sharing session by the keynote speakers renowned in their respective field, is yet another hallmark of this seminar.

The success of the seminar is the result of the high commitment and dedication of the committee members, university, academic staff, and not forgetting the authors, presenters and participants who have given their best through participation in SAIS 2022.

Jazakumullahu khayran kathira.

FOREWORD OF THE PKA USIM PRESIDENT



**PROFESSOR DR. IRWAN MOHD SUBRI
PRESIDENT,
PERSATUAN KAKITANGAN AKADEMIK
UNIVERSITI SAINS ISLAM MALAYSIA
(PKAUSIM)**

Praise be to Allah, The Almighty and The Most Glorified. Peace be upon the Prophet Muhammad SAW, his family and companions. May Allah bless them with honour and graces.

The e-proceeding, titled **Leading Integration of Naqli dan Aqli Knowledge** represents a collaborative effort by the academicians who have participated at our **Seminar Antarabangsa Islam dan Sains (SAIS 2022)** or the International Seminar on Islam and Science organised by USIM Academic Staff Association (PKAUSIM), and co-organised by Faculty of Syariah & Law, USIM and Institute of Fatwa and Halal (iFFAH), USIM to provide scientific references that integrate the revealed and acquired knowledge. The e-proceeding is unique because the integration between *naqli* and *aqli* (revealed and acquired knowledge) studies will contribute to the development of humankind.

PKAUSIM is very honoured and grateful to have the privilege for the digital publication of this e-proceeding. This effort could be viewed as the early steps of these academicians in their endeavours to integrate both *naqli* and *aqli* disciplines in overcoming the COVID-19 impact in our country and improve the quality of our lives. May Allah bless all who have contributed in making the conference and its publication as our good deeds during our lifetime and the hereafter.

Thank you and Wassalamualaikum.

TABLE OF CONTENTS

	Page
Preface	iii
Foreword of the Programme Director	iv
Foreword of the PKA USIM President	v
Table of Contents	vi-xi
Lists of Extended Abstract	
EA1	1-9
ARTIFICIAL INTELLIGENCE (AI) APPLICATION IN ISLAMIC FINANCE: A REVIEW OF BUSINESS USE CASES	
Othman bin Abdullah, Amir bin Shaharuddin, Muhamad Azhari bin Wahid & Mohd. Shukor bin Harun	
EA2	10-23
SHOPEE PAY LATER APPLICATION AND BAY' MUAJJAL: A SYARIAH APPROACH	
Muhamad Syahiran bin Che Mansor & Muhammad Aunurrochim Mas'ad	
EA3	24-29
FINANCIAL STRESS REVIEW: A BIBLIOMETRIC ANALYSIS	
Hanifah Abdul Hamid, Nuradli Ridzwan Shah Mohd Dali, Umi Hamidaton Mohd Soffian Lee, Wan Nur Fazni Wan Mohamad Nazarie & Wan Rasyidah Wan Mohd Nawang	
EA4	30-34
EMPLOYEE PERFORMANCE 5 YEARS BIBLIOMETRIC REVIEW	
Nuradli Ridzwan Shah Mohd Dali, Hanifah Abdul Hamid, Umi Hamidaton Mohd Soffian Lee, Wan Nur Fazni Wan Mohamad Nazarie & Wan Rasyidah Wan Mohd Nawang	

EA5	PSYCHOLOGICAL FACTORS INFLUENCE ON FINANCIAL VULNERABILITY: A CONCEPTUAL PAPER Umi Hamidaton Mohd Soffian Lee, Nuradli Ridzwan Shah Mohd Dali, Hanifah Abdul Hamid, Wan Rasyidah Wan Mohd Nawang & Wan Nur Fazni Wan Mohamad Nazarie	35-43
EA6	HALAL RESEARCH IN CONSUMER STUDIES: A BIBLIOMETRIC ANALYSIS Siti Nurunnajwa Shamsudin, Elistina Abu Bakar, Syuhaily Osman & Nuradli Ridzwan Shah Mohd Dali	44-50
EA7	PEER TO PEER LENDING MARKET: A BIBLIOMETRIC ANALYSIS Nur Haryati Mohammad Raduan & Nuradli Ridzwan Shah Mohd Dali	51-57
EA8	TRENDS IN PUBLIC BUDGETING REFORM: INTEGRATION OF ZERO-BASED BUDGETING AND CLOUD-BASED SOFTWARE AS A SERVICE INITIATIVES FOR FUTURE RESEARCH AGENDA Abdulfattah Esmail Mohammed Shugaa Alddin & Nuradli Ridzwan Shah Mohd Dali	58-65
EA9	THE IMPACTS OF SOCIAL MARKETING ON THE BEHAVIOUR OF THE EMIRATI CITIZEN DURING THE CORONAVIRUS PANDEMIC Ali Ahmed Rashed Alkaabi & Nuradli Ridzwan Shah bin Mohd Dali	66-77
EA10	DETERMINANT FACTORS FOR PAYING ZAKAT FITRAH VIA FINTECH Aman Shah bin Siraj, Mohd Faisol Ibrahim & Nuradli Ridzwan Shah Mohd Dali	78-87
EA11	ZAKAT GOVERNANCE: AN ANALYSIS OF ZAKAT DISTRIBUTION IN NEGERI SEMBILAN BEFORE AND DURING COVID-19 Suhaila Abdul Hamid	88-93

EA12	DEVELOPMENT OF SHARIAH GOVERNANCE AND AUDIT IN ISLAMIC COOPERATIVE SECTOR Supiah Salleh, Zurina Shafii, Mustafa Mohd Hanefah, Muhammad Iqmal Hisham Kamaruddin, Nurazalia Zakaria & Nur Amni Mahmud Sabri	94-100
EA13	“FIND OUR WAY BACK”: HALAL INTEGRITY TOWARDS SUSTAINABLE TOURISM IN ISLAMIC SCIENCE PARADIGM Siti Syahirah Saffinee	101-108
EA14	CONGENITAL AND GENETICAL DISORDER' (CGD) ASSOCIATION AND INTERACTION WITH COVID-19 AND ITS HEALTH CARE MANAGEMENT POST PANDEMIC: A MAQASID-BASED APPROACH Zizi Azlinda binti Mohd Yusof, Nur Zaireena bt Zainal & Mohammad Naqib bin Hamdan	109-114
EA15	MATHEMATICAL APPLICATION IN DETERMINING QIBLA DIRECTION OF TAMHIDI CENTRE, UNIVERSITI SAINS ISLAM MALAYSIA (USIM) BY USING SPHERICAL TRIGONOMETRY Norrlaili Shapiee, Siti Faizah, Nur Idayu binti Ah Khaliludin, Amanina Kamarudin, Mohd Naquiudin Che Ibrahim & Aiza Azrin Mohd Zain	115-121
EA16	THE RESPONSIBILITY TO PROTECT DOCTRINE IN THE CONTEXT OF THE ATROCITY IN THE OCCUPIED PALESTINIAN TERRITORIES: DOES IT APPLY? Sameh Eissa Abdulhalim Ismail	122-132
EA17	DISCRIMINATION VERSUS INTEGRATED DEVELOPMENT MODEL: COMPARISON BETWEEN TWO COUNSELING SUPERVISION THEORIES Mohd Khairul Anuar Rahimi	133-142

EA18	LEARNING AFTER 60: EMPOWERING ELDERLY RIGHTS TO EDUCATION Mashitah Abdul Mutalib, Nur Al-Farhain binti Kamaruzaman & Nur Aina Abdulah	143-148
EA19	A MEDICO-LEGAL CONSIDERATION ON THE USE OF AI (ARTIFICIAL INTELLIGENCE) IN MEDICINE Maizatul Farisah Mohd Mokhtar	149-153
EA20	THE IMPLEMENTATION OF SULH AT THE SYARIAH COURT NEGERI SEMBILAN: CHALLENGES AND RECOMMENDATIONS Maizatul Farisah Mohd Mokhtar	154-160
EA21	KEBIMBANGAN TERHADAP PENCAPAIAN BAHASA ARAB DALAM KALANGAN PELAJAR Nur Ain Mustafar, Abdul Rashid Abdul Aziz & Nurun Najihah Musa	161-166
EA22	KEPERLUAN RUANG TERAPI MINDA DI SEKOLAH-SEKOLAH SEBAGAI ALTERNATIF SESI KAUNSELING Nurin Safwani binti Abdul Rahim, Alifah Maisarah binti Abdul Halim & Mohd Zamrus bin Mohd Ali	167-174
EA23	KERANGKA KONSEP KELUARGA MALAYSIA DALAM PENGURUSAN KONFLIK RUMAHTANGGA Abdul Rashid Abdul Aziz, Nurun Najihah Musa, Nur Ain Mustafar Nur Kareelawati Abd Karim & Is'haq Ibrahim	175-182
EA24	WAKAF MENYOKONG BANTUAN KEPADA ORANG KURANG UPAYA (OKU) DI MALAYSIA Farhana Mohamad Suhaimi	183-195

EA25	<p>APLIKASI PEMASARAN DIGITAL DALAM INDUSTRI PELANCONGAN HALAL</p> <p>Noradilah Abdul Hadi, Mohd Rizal Muwazir, Nur Shuhada Kamarudin</p>	196-202
EA26	<p>PENGAPLIKASIAN DDR DALAM PENYELIDIKAN SAINS SOSIAL DI MALAYSIA</p> <p>Nur Izzati Nadia Mohd Dzolkifli & Siti Nor Azhani Mohd Tohar</p>	203-213
EA27	<p>TINJAUAN TAHAP KOMPETENSI BERTUTUR BAHASA ARAB BAGI UJIAN KEMASUKAN KE USIM</p> <p>Zalika Adam & Wan Azura Wan Ahmad</p>	214-218
EA28	<p>KEBEBASAN MEDIA DARI KONTEKS SOSIAL</p> <p>Safiyah Ahmad Sabri</p>	219-225
EA29	<p>PENDEKATAN HARMONISASI DALAM MEMPERKENALKAN PERUNDANGAN HUDUD DI MALAYSIA</p> <p>Nur Al-Farhain Kamaruzaman, Nur Aina Abdulah & Mashitah Abdul Mutalib</p>	226-232
EA30	<p>UNDANG-UNDANG JENYAH SUMBANG MAHRAM MALAYSIA: ANALISIS MENURUT PERSPEKTIF SYARIAH</p> <p>Nur Aina Abdulah, Nur Al-Farhain Karuzaman & Mashitah Abdul Mutalib</p>	233-240
EA31	<p>MENERAPKAN BUDAYA KEUSAHAWANAN ISLAM DALAM KALANGAN PELAJAR KOLEJ GENIUS INSAN, USIM</p> <p>Widad Jazman, Hajar Hamidi, Hazwani Azwan, Danish Danial Zulkifli, Aileen Adeline Chew, Iman Haniz, Clarissa Sharifuddin & Rossidi Usop</p>	241-254

EA32	ANALISIS FATWA DI MALAYSIA BERKAITAN PENGUNAAN ATRIBUT ISLAM DALAM PERNIAGAAN Suraiya binti Osman, Suhaimi Ab Rahman, Yasmin Hanani Mohd Safian & Elistina Abu Bakar	255-263
EA32	DETECTION OF CONTAMINANTS IN WATER FOR IRRIGATION SYSTEM Siti Nadhirah Zainurin, Wan Aina Nadhirah Wan Azlan & Wan Zakiah Wan Ismail	264-268

ARTIFICIAL INTELLIGENCE (AI) APPLICATION IN ISLAMIC FINANCE: A REVIEW OF BUSINESS USE CASES

Othman bin Abdullah ⁱ, Amir bin Shaharuddin ⁱⁱ,
Muhamad Azhari Wahid ⁱⁱⁱ & Mohd Shukor bin Harun ^{iv}

ⁱ (*Corresponding author*). PhD Candidate, Fakulti Ekonomi dan Muamalat, Universiti Sains Islam Malaysia. othman_249@yahoo.com

ⁱⁱ Prof. Dr., Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. amir.ywm@gmail.com

ⁱⁱⁱ Dr., Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. azhariwahid@usim.edu.my

^{iv} Dr., Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. shukorharun@usim.edu.my

Abstract

This paper aims to review the use cases of AI applications implemented in Islamic financial institutions across the globe to get some understanding on how AI can be applied in real business environment of providing Shariah compliant financial services. To get real industry examples, the study utilizes content analysis method in reviewing Islamic financial technology reports and related news. The findings indicate that Islamic financial institutions across the globe have incorporated AI based digital innovations in general operations. However, AI applications in the Shariah compliance aspect is still limited. A more coordinated collaboration among academics and Islamic finance industry players with respective Shariah and technology backgrounds is crucial to unleash the potential of AI applications in Shariah compliance of Islamic finance.

Keywords: Islamic Finance, Artificial Intelligence, Islamic Financial Technology, Robo Shariah Advisory

INTRODUCTION

Artificial Intelligence (AI) is one of the main underlying technologies in financial technology (fintech) innovations. The potential of AI applications in Islamic finance has

caught the attention of stakeholders in Islamic financial services industry. The General Council for Islamic Banks and Financial Institutions (CIBAFI), in its 9th meeting of Financial Cooperation Working Group, had identified AI as “on top of the list to be watched for in the next coming 3 years”. A study in 2018 concluded that “AI and smart contract will have a huge impact in future for Islamic Finance industry” (Mat Rahim et al, 2018). A research project by professors at the International Islamic University Malaysia (IIUM) with a focus on the Islamic financial services industry in Southeast Asia found that “the leadership of Islamic banks shows their readiness in accepting artificial intelligence” (Mohd Zain et al, 2019).

This paper aims to review real use cases of AI applications that have been implemented in Islamic financial institutions across the globe to get some visibility and understandings on how can AI be applied in real business environment of providing Shariah compliant financial services.

Khan (2019) states that AI applications in Islamic finance can be categorized into five (5) functional groups; (i) front office (credit scoring, takaful, chatbots), (ii) middle office (anti-money laundering/counter terrorist financing, know your customer, fraud detection, investment sentiment analysis), (iii) back office (capital optimization, market impact analysis, model risk management, asset and wealth management), (iv) regulatory technology (regulatory and Shariah compliance) and (v) supervision technology (regulatory supervision and industry standardization). What is unique for Islamic finance is the AI application for the Shariah compliance aspect. There is an emerging concept of AI based Shariah digital advisory often referred as Robo Shariah Advisor. According to Sa’ad et al, (2020), “the Islamic financial services atmosphere wasn’t left behind in accepting Robo-advisor in simplifying the Islamic financial services and to ease the Shari’ah supervision activities in Islamic banking and finance”. Professor Dato’ Dr. Mohd Azmi Omar, President and CEO at INCEIF, in his keynote address at Islamic Fintech Leaders Forum 2021 mentioned that “we would like to see globally more Shariah robo-advisory focusing on Shariah compliance, Shariah decision making, Shariah ruling and so on...”. Fazmi (2019) is optimistic with the concept of Shariah robo-advisory by suggesting that “to ease the operations of Islamic Banks and financial institutions”, Shariah robo advisors can act as “Smart Muftis” to evaluate the sources of Shariah and provide recommendations based on past Fatwas.

To get real examples of AI applications in global Islamic finance industry, this paper adopts content review and analysis method to analyse relevant Islamic financial technology industry materials related to contemporary digital innovations. Islamic fintech reports and news update will be the most important sources of information for this study. The result of this study shall provide visibility on the real use cases of AI applications in both the general operation and Shariah aspects of Islamic finance. With this visibility, this study could highlight the gap which require more effort by Islamic financial industry stakeholders.

This study is part of the researcher's PhD thesis work. The thesis title is "An Analytical Study of AI smart Assistants for Fiqh Ruling Process of Islamic Banks and Its Acceptance by Shariah Committees in Malaysia" which consists of two parts. First, AI smart assistants designed for fiqh rulings in the domain of Islamic banking are examined and discussed in detail. The functionalities of these smart assistants are analyzed to identify their potential and challenges, as well as to suggest potential improvements. The second part utilizes a focus group interview to study the acceptance of AI Smart Assistants for fiqh rulings among Shariah Committees of Islamic banks in Malaysia. The outcome of the acceptance study shall provide insights into the readiness of Shariah committees in Malaysia to adopt AI systems or tools for assisting them with their work.

METHODOLOGY

Since this paper deals with commercially driven contemporary digital innovation, this paper reviews technical reports, blog postings, online newspaper articles and YouTube videos. The appropriateness to refer to contemporary digital content is explained by Ahmad and Buyong (2017) that in this digital era, content analysis is also applied in analyzing data obtained from modern media such as websites, digital version of newspapers, blogs, Facebook, Instagram, YouTube videos etc. This study utilizes content analysis method to analyze the findings from the review of the digital content.

RESULTS AND DISCUSSION

Islamic financial institutions have not been left behind in incorporating AI capabilities in the delivery of their products and services to their customers. Some of them are indeed very innovative solutions. It is not surprising for alternative Islamic financial services provider such as Islamic crowdfunding, digital wealth and investment advisory platforms to leverage on AI technologies as that is typically the foundations of their business model. For the traditional Islamic banks on the other hand, it is encouraging to see that some of them have joined their more advanced conventional counterparts in utilizing AI across different business functions such as customer engagements, credit processing and fund management.

The following are the summary of selected examples of AI applications in general Islamic financial services operations:

1. Asset management company, SHUAA Capital, launched a digital wealth platform that leverages on artificial intelligence and machine learning technologies to enhance traditional personal curated asset management and advisory services (Tan, 2021).
2. An alternative finance provider, Sulfah(the first Fintech regulated by the Saudi Central Bank), offers online cash funding that can be applied by using an online portal and mobile app. Leveraging on AI and Machine Learning (ML), Sulfah could accelerate funding application processing and able to deposit to applicant's bank account within 15 Minutes (IFNFintech, 2021).
3. Mashreq Al Islami Bank partnered with artificial intelligence software company Kore.ai to provide BankAssist virtual assistant product for personalized self-service and faster resolution of customer queries in both Arabic and English (Tan, 2021).
4. Verloop.io collaborates with Abu Dhabi Islamic Bank to launch UAE's first Emirati chatbot on WhatsApp. Powered by AI, ML and natural language processing (NLP) and with the ability to understand and respond to the Emirati Arabic dialect as well as classical Arabic processing, the chatbot enables

customers to fulfil their banking needs in real time and get personalized experiences (Zawya, 2020).

5. Social Islami Bank (SIBL) Bangladesh provides a full digital onboarding capability that simplifies and accelerates customer onboarding as well as enhances customer experience befitting the modern lifestyle. The solution integrates AI-powered optical character recognition to extract data from the national ID and features multi-layer authentication (Tan, 2020).
6. Bank ABC Bahrain launched “Fatema,” a fully autonomous, AI-driven Digital Human employee, the world's first Digital DNA (TM) Human. Working alongside Bank ABC’s mobile-only digital bank team, Fatema will personally engage with customers using “her” AI-powered Digital Brain to offer multi-faceted and personalized customer experiences (Bank ABC, 2019).
7. Wahed Invest (first of its kind in offering Shariah compliant investment options) operates a proprietary digital investment platform using financial optimization ML algorithms that can analyse thousands of Shariah compliant securities worldwide to create portfolios with highest growth potentials for its clients (Fazmi, 2019).
8. Kuala Lumpur-based Farrington Group launched Asia’s first Shariah-compliant Robo-advisor called Algebra. Opened to investors across all geographies with a minimum investment of USD 200 per month, Algebra provides automated portfolio management advice (Gazali et. al, 2020).
9. FWD Takaful Berhad Malaysia launched a digital platform with the capability to provide customers with immediate Takaful protection and coverage online. The platform was built on Underwriting Rule Engine designed with fewer application questions and with the ability to provide instant prices thus making it easier for customers to participate online (Pacific Life Re, 2019).
10. In 2015, BIMB Investment Management Bhd (a subsidiary of Bank Islam Malaysia) launched its multi-currency shariah and environmental, social and governance-compliant (ESG) global equity fund in partnership with UK-based quant firm Arabesque Asset Management Holding Ltd . The fund uses AI to

power the entire investment process leveraging on AI ability to analyse patterns, make decisions and predict events based on historical data (Yun, 2019).

11. Waqfe, a fintech platform for deposit mobilization based in Bahrain, targets young customers that are typically digital savvy. Merging mobility and artificial intelligence, Waqfe platform uses a data-driven approach in attracting deposits for banks (Tan, 2018).
12. Kuwait Finance House (KFH) in Kuwait launched an Robotic Process Automation (RPA) to facilitate the evaluation of creditworthiness of potential customers and to digitize other processes. The RPA system enables automation of a whole host of processes such as analysing customer data, complying to regulatory requirements, filling up required documents and generally helps in achieving operational efficiency in strict compliance to authorities (Tan, 2018).
13. Bahrain based Finocracy launched AI-driven fintech platform to empower women through education financing by “structuring dedicated investment funds with the objective of pooling and efficiently managing resources from social investors and others”. Leveraging on AI technologies, in addition to extending financing to deserving students, the platform also connects the talents with leadership opportunities (Tan, 2017).

In addition to the AI applications in general Islamic financial services listed above, this study also found two commercial initiatives of Robo Shariah Advisor which have some capabilities to serve as a decision support system for Shariah compliance of Islamic finance. The following are the two real examples of AI applications in the Shariah aspect of Islamic finance services.

1. IRSHAD (an intelligent Robo Shariah Advisor) is a system that emulates advisory and guidance capabilities of a human Shariah advisor that initially will serve as zakat advisor, Islamic wills and inheritance advisor and investment advisor. Currently still under development and will be released in phases, modules in the pipelines are “Zakat Advisor”, “Islamic Wills and Inheritance Advisor” and “Investment Advisor for socially responsible Islamic organizations and financial institutions seeking to operationalize the SDGs in the light of the Maqasid Al-Shariah”. IRSHAD will be developed using various AI technologies (Obaidullah 2021).

2. SKIL-RSA (SKIL Robo Shariah Advisor expert system for Islamic finance) utilizes innovative AI techniques to allow users to ask intelligence questions, conduct comparative analysis, deduce from legal maxims and consult automated legal advisor about complex scenarios. The author of the system positions SKIL-RSA as “Mufti-Companion,” or “Mujtahid-Assistant,” which means that in developing an opinion on Shariah matters, the final decision still lies in the hands of the human scholar, while SKIL-RSA helps in providing him/her with all required resources (Salim et al, 2020).

An important observation is that these “Shariah Robo Advisors” have not reached the level to replace a human yet. At best, they can only function as a smart assistant to a human Shariah advisor, in order to speed up his/her work.

CONCLUSIONS

Islamic financial institutions have not been left behind in adopting AI. Stakeholders in Islamic finance industry recognize the importance of embracing AI technologies and are optimistic that AI will have a huge impact on the future of the industry. Many examples can be found in both traditional IFIs and Islamic Fintech start-ups across the globe that have incorporated AI into various aspect of the IFIs’ operations. There is also emerging concept of Robo Shariah Advisory that can function as AI smart assistants to human Shariah scholars. This research could only find two commercial initiatives, IRSYAD (still under development) and SKIL-RSA (has been implemented in MBSB bank Malaysia). The concept of AI smart assistants for fiqh ruling process in IFIs is still relatively new and therefore necessitates more research to unleash the potentials. Further research is required to develop commercially viable Shariah Robo Advisors for Islamic financial institutions (IFIs). A more coordinated collaboration among academics and IBF industry players with respective Shariah and technology backgrounds is crucial to unleash the potential of Robo Shariah Advisory usage in Islamic finance industry.

REFERENCES

Ahmad, Z. A., & Buyong, M. (2017). Content Analysis of Online News Portal: Issues and Challenges. *UKM Journal of Social Sciences and Humanities*. 6, 164–174.

- Fazmi, F. (2019). Role of Robo-advisors in Islamic Financial Institutions. *Wahed: Personal Finance*. <https://journal.wahedinvest.com/role-of-robo-advisors-in-islamic-financial-institutions>
- Gazali, H. M., Jumadi, J., Ramlan, N. R., & Rahmat, N. A. (2020). Application of Artificial Intelligence (AI) in Islamic Investments. *Journal of Islamic Finance*. 9(2), 70–78.
- Khan, N. (2019). Artificial Intelligence Application in Islamic Finance Industry. *Global Islamic Finance Report 2019*. (pp. 122–133).
- Mat Rahim, S. R., Mohamad, Z. Z., Abu Bakar, J., Mohsin, F. H., & Md, N. (2018). Artificial Intelligence, Smart Contract and Islamic Finance. *Asian Social Science*. 14(2), 145–154.
- Mohd. Zain, N. R., Hassan, R., & Ismail, A. (2019). Enhancing Islamic banking and finance in Southeast Asia through the application of artificial intelligence: An exploration of banking's best practices. *In: Impact of Financial Technology (FinTech) on Islamic Finance and Financial Stability*. (pp. 36–53). IGI Global.
- Bank ABC (2019). Bank ABC launches the first synthetic Digital Human using Soul Machines' Digital DNA™ technology. *Bank ABC*. <https://www.bank-abc.com/En/AboutABC/Media/Press/Pages/Digital-Employee>.
- Pacific Life Re (2019). FWD Takaful Goes Live with UnderwriteMe's Technology. *Pacific Life Re*. https://pacificlifere.com/press_releases
- Verloop.io (2020). Verloop.io Collaborates with ADIB to Launch UAE's First Emirati Chatbot on WhatsApp. *Zawya*. <https://www.zawya.com/en/press-release/verloopio-collaborates-withnbsp-adib-to-launch-uaes-first-emirati-chatbot-on-whatsapp-jakwnu0s>
- iFNFintech (2021). Sulfah. *iFNFintech*. <https://ifnfintech.com/fintech-landscape/sulfah>
- Obaidullah, M. (2021). Promise of IRSHAD: The Intelligent Robo Shariah Advisor. IBFNet. <https://conference.ibfnet.ie/2021/03/03/promise-of-irshad-the-intelligent-robo-shariah-advisor/>
- Salim, K., Abojeib, M., & Abdul Hamid, B. (2020). Islamic Fintech in Malaysia: Reality & Outlook. *The International Centre for Education in Islamic Finance (INCEIF)*. Kuala Lumpur

- Sa'ad, A. A., Alhabshi, S. M., Mohd Noor, A., & Hasan, R (2020). Robo-Advisory for Islamic Financial Institutions: Shariah and Regulatory Issues. *European Journal of Islamic Finance*.
- Tan, V. (2017). Finocracy Launches AI-driven Fintech Platform to Empower Women through Education Financing. *iFNFintech*. <https://ifnfintech.com/finocracy-launches-ai-driven-fintech-platform-to-empower-women-through-education-financing>
- Tan, V. (2018a). Interview: Fintech – friend or foe?. *iFNFintech*. <https://ifnfintech.com/ashar-nazim-managing-director-finocracy>
- Tan, V. (2018b). Islamic bank becomes the first in Kuwait to integrate AI. *iFNFintech*. <https://ifnfintech.com/islamic-bank-becomes-the-first-in-kuwait-to-integrate-ai>
- Tan, V. (2020). SIBL First Islamic Bank to Implement Digital Onboarding; More to Follow. *iFNFintech*. <https://ifnfintech.com/sibl-first-islamic-bank-to-implement-digital-onboarding-more-to-follow>
- Tan, V. (2021a). Kore.ai Partners with Mashreq Bank. *iFNFintech*. <https://ifnfintech.com/kore-ai-partners-with-mashreq-bank>.
- Tan, V. (2021b). SHUAA Carves Out Stand-Alone Fintech Business to Capture Affluent Millennial and Digital-Savvy Investors. *iFNFintech*. <https://ifnfintech.com/shuaa-carves-out-stand-alone-fintech-business-to-capture-affluent-millennial-and-digital-savvy-investors>
- Yun, T. Z. (2019, December). Funds Powered by AI. *The Edge Malaysia Weekly*. Kuala Lumpur: The Edge.

SHOPEE PAY LATER APPLICATION AND BAY' MUAJJAL: A SYARIAH APPROACH

Muhamad Syahiran bin Che Mansor ⁱ & Muhammad Aunurrochim Mas'ad ⁱⁱ

ⁱⁱ (*Corresponding author*). Lecturer, Faculty of Syariah and Law, Universiti Sains Islam Malaysia.
aunn25@usim.edu.my

ⁱ Faculty of Syariah and Law, Universiti Sains Islam Malaysia. syahiran619@gmail.com

Abstract

The evolution of the modern-day world had also given a significant impact on commerce society. People nowadays tend to buy or purchase new things with an easier payment method that can let them have their desired one easily. One of the most famous e-commerce companies at the moment is Shopee. Shopee gave a variety of payment methods towards their customers such as online banking, cash on delivery, ShopeePay, credit or debit card and the newest one is Shopee PayLater. The Shopee PayLater is a payment method service that allows you to consolidate your purchases on Shopee on a monthly basis. It gives an option for you to spread out repayment to 2 months, 3 months, or 6 months with a small processing fee of 1.25% of the total order amount. The main point for this research is to know whether the method of payment using Shopee PayLater is aligned with the perspective of Syariah which is the deferred payment otherwise called Bai Mu'ajal. This research will focus on qualitative method in order to get the correct information and later analyse the ideas and methodological framework of Syariah perspective to draw a general conclusion about the issue as the payment method using Shopee PayLater had some concerns regarding the processing fee and also late payment fee that can lead to Riba al-Qard.

Keywords: e-commerce, payment, Shopee Paylater, deferred, Bai Mu'ajal, Riba al-Qard, Bai Mu'ajal, Riba al-Qard

INTRODUCTION

Day by day, we often see that the rapid development of technology is mostly influenced by the internet. The use of the internet by society nowadays increasing drastically as everything that is related to human life such as work, study and even buying something had connected with the use of the internet as it is much faster and easier when using this method. This development had emerged a new way of selling or acquiring something that is called e-commerce. Chai (2020) stated that E-commerce can be described as the purchasing and selling of something either things or services, as well

as the transmission of funds or data, over an electronic network, most notably the internet.

There are a variety of e-commerce companies that gain lots of benefits by selling goods to the customer and one of the most famous in Malaysia nowadays is Shopee. Shopee is Southeast Asia's and Taiwan's leading e-commerce platform. It is a platform designed specifically for the region, offering customers an effortless, trusted, and quick online shopping experience through strong payment and logistical support. Shopee is an establishment that was based on a Sea company, debuted in Singapore in 2015, and has since expanded to Malaysia, Thailand, Taiwan, Indonesia, Vietnam, and the Philippines. Sea is a regional leader in digital entertainment, e-commerce, and digital financial services. Shopee had introduced lots of payment methods to their customers for example online banking, debit card, cash on delivery, and one of the well-known and newest one is called Shopee PayLater. Shopee PayLater is a feature that allows qualified buyers to buy now and pay later or apply for a 3-month instalment loan for their Shopee purchases.

In Islam finance, there was also a method that was similar to Shopee PayLater and that was called Bai Mu'ajal. Bai Mu'ajal is known as deferred price sales which functions similarly to a murabahah contract but with payment generally made on a deferred basis. The contract's stated sale price for the asset includes the profit. Land, buildings, machinery, and equipment are common assets for such contracts. Bai Mu'ajal is one of the most common Islamic financing methods in Malaysia, and it can be considered as a substitute for the finance lease. Customers use it to purchase assets of significant value in instalments, from which they can generate future cash flows. In this agreement, the customer receives the asset and is required to make payments in instalments over the agreed-upon term. The customer who purchases the asset must pay the profit to the financial institution that arranges the asset. Razali (2008) tells that scholars have stated that too much ambiguity (gharar) must be avoided in the contract's formulation. As a result of an asset having physical existence and being identified by the customer, the risks of gharar are reduced. Nevertheless, if the sale or purchase agreement is for a house that is yet to be built, it may raise questions about the legality of Bai Mu'ajal because the outcome of such an agreement is uncertain.

In Islam, the law of indebtedness is very flexible depending on one's situation. There is evidence from the Quran that mentions the law of indebtedness and as long as it aims to help people and reduce someone's hardship then it is allowed. It had been stated in the Al-Quran:

{مَنْ ذَا الَّذِي يُقرضُ اللَّهَ قَرْضًا حَسَنًا فَيُضْعِفُهُ لَهُ أَضْعَافًا كَثِيرَةً وَاللَّهُ يَقْبِضُ وَيَبْصِطُ وَإِلَيْهِ تُرْجَعُونَ}

Meaning: Who will give God a good loan, which He will increase for him many times over? It is God who withholds and God who gives abundantly, and it is to Him that you will return. (Al-Quran. Al-Baqarah 2:245)

The two methods that were mentioned earlier which are Shopee Paylater and Bai Mu'ajal had a few similarities but there is a slide difference between them according to the Syariah perspective which the Shopee Paylater did not fulfill them that is the existence of *Ribaal-Qard*. This led to doubts among the Muslims in using the method that had been introduced by Shopee as Muslims are prohibited from engaging in any usury-related matter. Therefore, the objective of this study is to break down the status of using the Shopee PayLater as the method of purchasing something from the Shopee apps.

RESULTS AND DISCUSSION

The Concept of Shopee PayLater

Shopee had introduced a new payment method in their list in line with other payment methods such as debit card, cash on delivery, and online banking during 2021 which is called Shopee PayLater. This feature lets its customer purchase their items which only can be bought through Shopee apps and pay for them later based on a few conditions (Yin, 2021). Based on this method, the customers get to postpone their payment based on their choices of purchase which is to pay for the item fully in one month or convert the payment into monthly instalments which up to six months.

The Shopee PayLater payment method works with the appointing of SeaMoney Capital Malaysia Sdn Bhd (SeaMoney) to manage Shopee's instalment payment operations. The buyer buys the things that were offered by the seller as usual in Shopee and chose for instalment payment. SeaMoney will buy those things and the seller will sell and hand over all amounts outstanding under the purchase agreement to SeaMoney, and the seller will receive the amount outstanding under the purchase agreement. Finally, the buyers will pay in instalments to SeaMoney with some charge fee that will be stated after this.

The condition for the Shopee PayLater to be activated by the customers is that it is only valid to Malaysians who are 18 years old of age and above which had a legal MyKad. This mechanism had four options for the customers which are BuyNowPayLater (BNPL), monthly instalments that start with two months, three months, and also six months. Here are some of the examples in the table figure that show how Shopee Paylater works towards their customers:

Shopee Paylater Payment Options	Processing Fee	Late Payment Fee
Buy Now Pay Later (BNPL)	0%	1.5% monthly on the overdue amount
2-month instalments	1.25% per month on order amount	
3-month instalments		
6-month instalments		

Table from Shopee that shows how each option works (Yin, 2021)

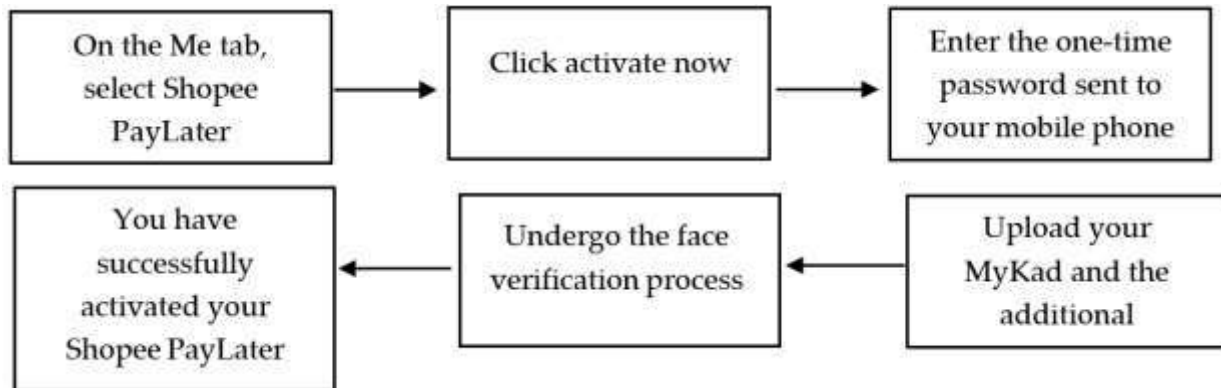
Based on the table we can see that customers who take the Buy Now Pay Later alternatives should pay the exact amount of their purchases in the next month means in the period of one month if they did not want to be charged for their late payment fee. Whilst the customers who chose the option for monthly instalments need to pay 1.25% for the processing fee on the behalf of their purchases for each month until they fulfil the exact price of that thing.

These types of customers need to make sure that they must accomplish the payment option that they have chosen based on their own timeframe otherwise they will be charged with a late payment fee which is 1.5% each month after their overdue date and based on the Shopee PayLater condition all payment must be submitted before or on the tenth day for each month.

For example, if you use the (BNPL) option and make purchases between November 1 and 30, you must pay your bill between 1 to 10 December, or otherwise, you will be charged with the late payment fee as stated before. If you chose the 2-month instalment plan, you must pay the instalments between the 1st and 10th of December and the 1st and 10th of January. SPayLater bills can be paid with the ShopeePay e-wallet,

online banking, or cash at 7-Eleven. It had been stated that Shopee PayLater users will be granted with the amount of spending cap and the maximum limit is RM3000.

This maximum amount will be different for each user based on various factors such as repayment history, spending and purchasing pattern on the Shopee application. To activate the Shopee Paylater these are some of the methods as shown below:



Syariah Issue Regarding Shopee PayLater

The payment using Shopee PayLater might be very easy and useful to the customer but there are various issues involving Syariah law in an e-commerce business that requires detailed research and study. One of the issues regarding this method is the processing fee. As it had been stated before, a processing fee is an additional charge placed on customers who chose the instalment plan offered by Shopee which is up to sixth month. Customers who choose to pay using an instalment plan will be charged a processing fee of 1.25% per month of the purchase amount. Meanwhile, there is no additional fee that will apply if the customer pays one-off within a month and there is no issue regarding syariah when using this plan (Rashid, 2021).

According to the processing fee that had been stated, we can clearly say that there is an element of usury when using the instalment plans as it takes advantage of the profits from the loans granted in spite of that contemporary scholars have discussed the charge of service and these charges are allowed by adhering to the following strict conditions such as the cost is real, and the cost is commensurate with the work that has been submitted also it is not permissible to charge a cost. Next, the cost is direct, and it is paid by the lender for the benefit of the loan, so the borrower should not be charged

indirect costs, made by the lender to carry on the amount of his business. Later, the borrowing costs are not related to the amount or term of the loan (in percentage form), but more to the actual cost, without any increase. After that, costs cannot be taken repeatedly unless the service is provided repeatedly. Banks cannot charge periodic fees on the grounds that it is a borrowing cost unless it is a recurring expense or recurring service. Lastly, if it is difficult to place an actual amount of the money that needs to be paid, an estimate may be charged unless the account closes at the end of the year. As a result, if the actual amount is already known, any surplus must be returned to the debtor using the mutually agreed-upon medium (n.a, 2015 تحميل المقرض المصارف الإدارية (للقرض جائز بشروط،

The next syariah issue that arises within the Shopee PayLater is the late payment fee. Late payment fee will be charged to the customers that failed to fulfil the exact amount that they need to pay either using the monthly instalments or the (BNPL) buy now pay later options. A shopper will be levied with late payment fee of 1.5% of the amount outstanding on a monthly basis. The late payment fee is understandable seen to have a clear element of usury. This is because any debt that is accompanied by additional payments due to delays in payment is included in the category of *Riba-al Qard*.

Riba-al Qard is one of the *riba* that falls under *riba Ad-Duyun*. It is a type of *riba* that consists of an excess amount, either monetary or non-monetary, over and above the principal (*asl al-qard*) in a loan (*qard*) that a borrower pays to the lender in addition to the principal based on a contractual precondition (*aqad*) or customary practices (*urf*) (n.a, *Riba al-Qard*, 2020). *Riba Al-Qard* also means that money that was paid additionally to lengthen the maturity date of a loan. It is understandable that this type of *riba* is an arrangement of a person making a loan in the form of money to another party with the provision that the party return the loan money with a certain amount or as usual, or obliged a monthly or annual addition on money borrowed.

As we know Muslim had been prohibited to be involved in any contract that there is an element of usury in it as it had been stated in the Al-Quran:

{وَمَا آتَيْتُمْ مِنْ رَبًّا لِيَرْبُوهَا فِي أَمْوَالِ النَّاسِ فَلَا يَرْبُوهَا عِنْدَ اللَّهِ وَمَا آتَيْتُمْ مِنْ زَكَاةٍ تُرِيدُونَ وَجْهَ اللَّهِ فَأُولَئِكَ هُمُ الْمُضْعِفُونَ }

Meaning: Whatever you lend out in usury to gain value through other people's wealth will not increase in God's eyes, but whatever you give in charity, in your desire for God's approval, will earn multiple rewards. (Al-Quran. Ar-Rum 30:39)

The Relationship Between Shopee PayLater and Bai Mu'ajal

The Concept of Bai Mu'ajal

Before knowing the relationship between our main component which is Shopee PayLater and bai mu'ajal, first and foremost we must know the concept of baimu'ajal. Al- bai mu'ajal is also known as delayed selling price. Al-bai mu'ajal transaction involves a process of selling something with immediate delivery of goods and deferring payment until a specific time or period has been set. Al-bai mu'ajal is a contract in which the financier agrees to purchase the property desired by the customer. The financier will resell the property he purchased to the customer for the original purchase price plus a profit. However, the customer will pay it in instalments over a set period of time and will be paid a certain amount in instalments-tolerant, and the financier is usually the bank (Shazali, n.d). Customers can pay in instalments, and the amount owed is determined by the total cost of the purchase, as well as the risk of payment.

After that, Al-bai mu'ajal is very similar to *murabahah* trading in many ways. However, in today's Islamic banking practice, *murabahah* is more commonly used for short-term (less than a year) or working capital financing, whereas bai mu'ajal is frequently used for long-term and medium-term financing, such as housing financing (Yasin, 2003). Profit margin and purchase cost should be detailed and communicated to the customer for financing *murabahah*, however profit margin and purchase cost do not need to be detailed or disclosed to the customer for bai mua'jal.

Validity of Bai Mu'ajal as a Financing Method

Although Bai Bithaman Ajil (BBA) or also known as Bai Mu'ajal is one of the principles of muamalat allowed in Islam but there is a difference of opinion among Islamic scholars whether it is valid to use as a method of Islamic banking financing or not. Here are some of the legality of Bai Mu'ajal as the basis of conventional financing. First of all, the first view espoused by Muhammad Nejatullah Siddiqi described BBA as a riba transaction (Wahab, 2005). Although BBA is permitted under Islamic law, Siddiqi does

not recommend that Islamic banks use it in their financing products. He mentions the following: "I would prefer that Bai' al-Muajjal be removed from the list of permissible methods altogether. Even if we concede to its permissibility in legal form, we have the overriding legal maxim that 'anything leading to something prohibited stands prohibited' (*ma adda ila al-haram fahuwa haram*)" (Siddiqi, 1983)

Besides that, In Pakistan, Maulana Muhammad Taqi Usmani, one of the judges in the case of *M. Aslam Khaki v. Syed Muhammad Hashim*, ruled that financing based on additional profits, such as bai al-mu'ajal (BBA) and bai' al-murabahah, was not legitimate to be used as the basis of banking products because it was suspected of containing elements of usury (The text of the Historic Judgment on Riba, 2001). In his judgment that known as 'Historic Judgment on Riba', he mentions: "Mark-up and Interest" 191. Unfortunately, while implementing this technique by the banks and the financial institutions, all the above points were totally ignored. What was done was to change the name of interest and replace it by the name of mark-up. The mark-up system as in vogue today has no concern with any real commodity whatsoever. In most cases there is no commodity at all in real sense; if there is any, it is never purchased by the banks nor sold to the customers after acquiring it. In some case this technique is applied on the basis of buy-back arrangement which means that the commodity already owned by the customer is sold by him to the bank and is simultaneously purchased by him from the bank at a higher price which is nothing but to make fun of the original concept. In many cases it is done merely on papers without a genuine commodity to be sold and purchased. Moreover, this technique is applied indiscriminately to all the banking transactions having no regard whether or not they involve a commodity. The procedure is being applied to all types of finances including financing overhead expenses, payment of bills, etc. The net result is that no meaningful change has ever been brought about to the system of interest on the assets side of the banks. Therefore, all the objections against interest are very much applicable to the mark-up system as in vogue in Pakistan and this system cannot be held as immune from being declared as repugnant to the Holy Qur'an and Sunnah. We hold accordingly.

According to Siddiqi and Maulana Muhammad Taqi Usmani, the concept of BBA used in Islamic banking financing products is a path that leads to usury transactions.

As a result, Islamic banks are not permitted to use the BBA principle as one of their financing methods. But, in Malaysia, the majority of members of the local Syariah Advisory Council agree with the Shafie school that BBA is a valid method of Islamic banking financing. Although this fatwa was decided by those knowledgeable in Islamic law, it appears to be increasingly being challenged by a small group of civil lawyers. Apparently, there is a group of civil lawyers who attempt to question and challenge the BBA's validity on the grounds that it involves usury transactions. They argue that the BBA's financing is invalid because it contains elements that are contrary to Islam and the Islamic Banking Act of 1983.

In order to develop and mature Islamic banking law in the country, the author argues that it is not wrong for civil lawyers to raise sharia law issues in civil courts. However, in-depth knowledge of Islamic law is required. Because Islamic banking is subject to civil court jurisdiction, Islamic banking litigation cases will be more complicated if the issue of Syariah compliance is argued by someone who is less knowledgeable about Islamic law (Hasshan, 2008). Elements of deep knowledge of Islamic finance may be considered a burden because, as we all know, not all civil court judges and lawyers have a Syariah education background, particularly in the field of muamalat. However, an in-depth understanding of the principles of Islamic banking that underpin Syariah principles is critical to deepening because Syariah principles are very broad, necessitating a more precise understanding of its implementation and application. In the absence of even a basic understanding, there will be confusion, and the distinction between Islamic banking financing facilities and conventional loan facilities will be obscured.

Shopee PayLater and Bai Mu'ajal

To understand the distinction between a BBA transaction and a Shopee PayLater transaction, we must analyse the relationship between these two. But first let us look at the similarity between Shopee PayLater and bai mu'ajal. These two transactions give the customer the choice to postpone payment until a specific time or period has been established but gain the item that was purchased immediately. Next, the financier will resell the purchased property to the customer for the original purchase price plus a profit and in the case of Shopee PayLater it is the SeaMoney Capital Malaysia Sdn Bhd

(SeaMoney) will purchase those items, and the seller will sell and hand over to SeaMoney all amounts owed under the purchase agreement, and the seller will receive the amount owed under the purchase agreement. Same with the concept of bai mu'ajal the customer, on the other hand, will pay it in instalments over a set period of time and will be paid a certain amount in instalments-tolerant and the same thing occur with the transaction using Shopee PayLater which the buyers will pay in instalments to SeaMoney for the bank is in charge of Shopee's instalment payment processes.

Next, the difference that happens between the contract of using Shopee Paylater and bai mu'ajal is that the customers that use the Shopee PayLater payment method will pay in instalments to SeaMoney with some charge fee which is 1.25 percent for the processing fee on their behalf for each month's purchases until they meet the exact price of that thing. Besides that, these customers must ensure that they complete the payment option that they selected based on their own timeframe, or they will be charged with another fee that is a late payment fee of 1.5 percent per month after their overdue date, and the customer needs to make sure that all payments must be submitted before or on the tenth day of each month, according to the Shopee PayLater condition. We can clearly say that there is an element of usury when using the instalment plans and also when the customers fail to pay according to the time period they have chosen because it takes advantage of the profits from the loans granted based on the processing fee that was stated. The late payment fee is evident that it contains a clear element of usury. This is because any budget deficit that is accompanied by extra payments as a result of payment delays falls under the category of Riba. We can see that, in exchange for the loan, the customer, as the debtor, must repay the principal amount borrowed plus interest. The bank views this interest as a source of profit and income. However, according to Islamic law, the interest charged by this bank is a form of usury rather than profit (Hasshan, 2008). The interest earned by the bank on this loan transaction is known as *riba qardh*, and its law is haram in Islam. In a hadith it had been stated:

From Ali r.a., he said: Rasulullah s.a.w said: *"Every debt which is deliberately to seek benefits, then it is usury"*. (Reported by Al-Haris Bin Abi Usamah)

Meanwhile, in a BBA transaction, the contractual relationship established between the bank and the customer is seller-buyer. Buying and selling (al-bai) are one

of the permitted transactions in the Islamic muamalat system. In Islam, a loan contract is only valid under the concept of *al-qardh al-hasan* (benevolent loan). The creditor (*muqridh*) cannot demand payment in excess of the amount lent under this concept. The debtor (*muqtaridh*) is only required to pay back the amount borrowed. Debt is permitted in Islam as a means of assisting human beings in distress. As a result, creditors are prohibited from profiting from the plight of others. Giving a debt is a circumcision practice that is rewarded with a large reward, whereas accepting a debt should be legally permissible (Thalib, 1997).

Since the concept of *al-qardh al-hasan* is based on the value of human kindness, it is less suitable to be used as the basis of banking products. Banks will be unable to generate profits if Islamic banks use the concept of benevolent loans for deposit and financing facilities. As a result, the majority of Islamic banking products are introduced via contractual relationships such as vendor-purchaser, entrepreneur-investor, lessor-lessee, and so on.

Nowadays with business as well as buying and selling are halal transactions in Islam, the majority of Islamic banking activities today are business-oriented and buying and selling. Among the purchasing and selling concepts used in modern Islamic banking products are bai 'bithaman ajil (BBA), bai 'murabahah, bai 'salam, bai 'istisna, and bai 'al-inah'. In consumer financing facilities, Islamic banks typically use the BBA concept, in which these banks buy the property desired by their customers and then resell the property to their customers at a profit.

Here the author would like to emphasize that the profit earned by the bank in BBA financing is halal because it is based on an asset sale and purchase contract. The profit cannot be compared to the interest charged when using Shopee PayLater. Interest on a Shopee PayLater transaction is illegal because it is a financial remuneration received without the sale of any assets.

CONCLUSION

To conclude this research, the author would like to assert that any transaction that include any element of usury is forbidden for those who practice Islamic law. Based on this research, the author can say that Shopee PayLater is an online electronic money lender that can only be used to purchase non-digital products on the Shopee app. Once

approved by Shopee, users will automatically receive a loan balance limit which can only be used to shop for multiple products in the Shopee application except for any digital products in the deals, top-ups, and bills category. Paylater is a payment method feature that uses bailout funds from the company and in the case of Shopee it is the SeaMoney Capital and profits from the user through the bill that must be paid, the bill that included interest and fines specifically mentioned in the Shopee terms and conditions. Paylater is not allowed under Islamic law because it is a loan that is included in *riba nasi'ah* as it had two main syariah issue in it which is the processing fee and also late payment fee.

The author would like to make some recommendations to either the buyer or the lender, namely the Shopee company, for example, Shopee should eliminate interest in paylater payment transactions so that Shopee PayLater users can avoid any usury that can occur during the purchasing of something in the Shopee application and this is particularly for Muslims. Besides that, The Shopee must construct terms and conditions for prospective Shopee PayLater users, such as attaching a clear salary slip, to ensure that the customer has enough income to pay the paylater bill. This is done to reduce the possibility of late payment. In addition, the author would also like to recommend that Shopee company hire Syariah advisor to advise the company, especially in this matter is the banking operations in order to ensure that they do not contain any prohibited elements under Syariah principles.

Finally, the author hopes that this research can help all Muslims out there in order to clear up consumer confusion about the use of Shopee PayLater transactions. The author also hopes that there will be more research that is far more detail and in-depth study regarding this topic which had become one of the latest and hotly debated issues especially among the Muslim community.

REFERENCES

- Abdullah, P. D. (2017). *Ensiklopedi Fiqh Muamalah dalam Pandangan 4 Mahzab*. Jogjakarta: Maktabah Al-Hanif.
- Chai, W. (2020, December). *TechTarget*. Retrieved from Definition E-commerce: <https://searchcio.techtarget.com/definition/e-commerce>

- Hasshan, N. I. (2008). Kekeliruan Terhadap Pembiayaan Bai' Bithaman Ajil Di. *Bba Financing Facility: A Misunderstanding Among Our Legal Fraternity*, 7.
- In Emy Prastiwi, T. N. (2021). Konsep Paylater Online Shopping dalam Pandangan Ekonomi Islam. *Jurnal Ilmiah Ekonomi Islam*, 4.
- N.a. (2020, November 4). *Dewan Syariah Nasional – Majelis Ulama Indonesia*. Retrieved from uang elektronik syariah: <https://dsnmu.or.id/kategori/fatwa/?s=elektronik+syariah>
- N.a. (2020, June 28). *Riba al-Qard*. Retrieved from Islamic Finance: <https://fincyclopedia.net/islamic-finance/r/riba-al-qard>
- Qudamah, I. (620 Hijrah). *Al- Mughni*. Riyad: Darul Alim Al-Kitab.
- Rashid, A. H. (2021, November 5). *Irsyad Al-Fatwa Siri Ke-638: Isu Syariah Berkaitan Penggunaan Shopee Pay Later*. Retrieved from Mufti of Federal Territory, Malaysia: <https://muftiwp.gov.my/en/artikel/irsyad-fatwa/irsyad-fatwa-umum-cat/5049-irsyad-al-fatwa-siri-ke-638-isu-syariah-berkaitan-penggunaan-shopee-pay-later>
- Rasid, A. H. (2021, November 5). *Irsyad Al-Fatwa Siri Ke-638: Isu Syariah Berkaitan Penggunaan Shopee Pay Later*. Retrieved from Mufti of Federal Territory, Malaysia: <https://muftiwp.gov.my/en/artikel/irsyad-fatwa/irsyad-fatwa-umum-cat/5049-irsyad-al-fatwa-siri-ke-638-isu-syariah-berkaitan-penggunaan-shopee-pay-later>
- Razali, S. S. (2008). The Principles Of Ghārār In Bai Bithaman Ajil Contract. *Proceedings of The MFA Conference 2008*, (p. 400). Sarawak.
- Shazali, R. b. (n.d). Bai Bithaman Ajil (Bba). *Fiqh Muamalat*, 6-7.
- Siddiqi, M. N. (1983). *Issues in Islamic Banking: Selected Papers*. Leicester: Islamic Foundation.
- Thalib, M. (1997). *Fiqh Nabawi*. Kuala Lumpur: Darul Nu'man.
- The text of of the Historic Judgment on Riba (Shariah Appellate Bench of the Supreme Court of Pakistan 2001)
- Wahab, N. A. (2005). Al-Bay' Bithaman Ajil: Suatu Alternatif Kepada Pinjaman Berasaskan Riba. . *Teori dan Aplikasi Kontemporari Sistem Ekonomi Islam di Malaysia* (p. 91). Kuala Lumpur: Utusan Publications & Distributors.
- Yasin, N. M. (2003). Bay' Bithaman Ajil (BBA): Sale or Loan Contract? *Judicial Decisions Affecting Bankers and Financiers*, 651.

Yin, A. C. (2021, January 18). *Shopee Introduces SPayLater, Lets Users Buy Items Now And PayLater*. Retrieved from Ringgit Plus:
<https://ringgitplus.com/en/blog/apps/shopee-introduces-spaylater-lets-users-buy-items-now-and-pay-later.htm>.

FINANCIAL STRESS REVIEW: A BIBIOMETRIC ANALYSIS

Hanifah Abdul Hamid ⁱ, Nuradli Ridzwan Shah Mohd Dali ⁱⁱ, Umi Hamidaton Mohd Soffian Lee ⁱⁱⁱ, Wan Nur Fazni Wan Mohamad Nazarie ^{iv} & Wan Rasyidah Wan Mohd Nawang ^v

ⁱ (*Corresponding author*). Dr., Faculty of Science and Technology, Universiti Sains Islam Malaysia.
hanifah@usim.edu.my

ⁱⁱ PM Dr., Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. nuradli@usim.edu.my

ⁱⁱⁱ Dr., Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia.
umihamidaton@usim.edu.my

^{iv} Dr., Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. fazni@usim.edu.my

^v Dr., Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. wrasyidah@usim.edu.my

Abstract

This paper seeks to review Financial Stress literature. Using bibliometric analysis, 690 full-paper articles from an open access journals indexed by SCOPUS have been selected. The selection criteria also include the recent five years publication from 2018- 2022, with English only language. It was found that USA have been the top country producing financial stress research articles and Journal of Affective Disorders has the highest publications among other top journals. Financial Stress Country wise, Malaysia still has a long way to climb the ladder and be at par with the top-notch countries.

Keywords: *Finance, Stress, Bibliometric, Review, Literature.*

INTRODUCTION

The objective of this paper is to review the financial stress literature using bibliometric analysis. Past research conducted either qualitatively or quantitatively has found many influencing factors and impact towards financial stress. However, we would like to explore what, who and when and where this research was done.

The pandemic of Corona virus has been badly affecting so many people in the world financially. Even though the pandemic is over, many are still struggling with financial hardships and are in dire need of help to stand on their own feet. The struggle is real that this causes financial stress to them. Financial stress is associated with unhealthy financial well-being which is caused by certain factors such as struggling with no or low income (Friedline et al., 2021; Ismail and Zaki, 2019) and debt

delinquencies (Xiao and Kim, 2022) and their inability to pay their bills. Untreated financial stress may lead to anxiety (Tran et al., 2018) and depression (Guan et al., 2022), low quality of life, satisfaction, and bad health (Huang et al., 2020). The depression caused by financial stress may further trigger individuals to suffer from psychological depression and social selection (Guan et al., 2022). Other impacts such as absenteeism, low productivity, resignation, lateness, sleeplessness and alcoholism can also be observed among the individuals who are suffering from financial stress (Oyadeyi et al., 2022). It is reported that the individuals' faiths and beliefs, family support as well as getting help from the counsellors and therapy treatment are among the coping strategies to reduce financial stress (Friedline et al., 2021).

The review revealed that certain journals are preferable than others when it comes to publication. Journals from the United States also dominate the publications which eventually makes it become the highest publications for this topic.

METHODOLOGY

This qualitative study was conducted using bibliometric analysis (Donthu et al., 2021). The SCOPUS database was chosen for this purpose and the keyword was "FINANCIAL STRESS". Only open-access, full-paper articles with English medium from the year 2018- 2022 were selected. The field area was Social Science, Economics Econometric and Finance, Psychology, and Business Management and Accounting. All the selected articles were saved using the bibtex. The R software was then utilised to yield the results including the main findings, the authors, the publication of articles according to year, publishers, countries and themes.

RESULTS AND DISCUSSION

The search found 690 documents which fulfilled all the set criteria. These documents were written by 2421 authors and published at 399 sources. There were 3.83 co-authors per document. The average citation per document is 6,803. The rate of international co-authorship is 27.97%. There were 206 financial stress articles published in 2022, 187 (2021), 119(2020), 87 (2019) and 90 in 2018 as in Table 1. It can be seen that these publications increase over time, possibly due to the Covid 19 pandemic situation.

Table 1. Number of articles produced per year

Year	Articles
2018	90
2019	87
2020	119
2021	187
2022	206

Figure 1 shows that Journal of Affective Disorders is the top-notch publisher among Top 10 listed publications with 16 documents. This followed by SSM-Population Health (13), Journal of Family and Economic Issues (12), Social Science and Medicine (11), Child Abuse and Neglect, Psycho-Oncology, Resource Policy (10 each respectively) and Finance Research Letters (8 documents). Journal of Affective Disorders has 7.8 cite score and 6.533 impact factor making it ranked first in this analysis.

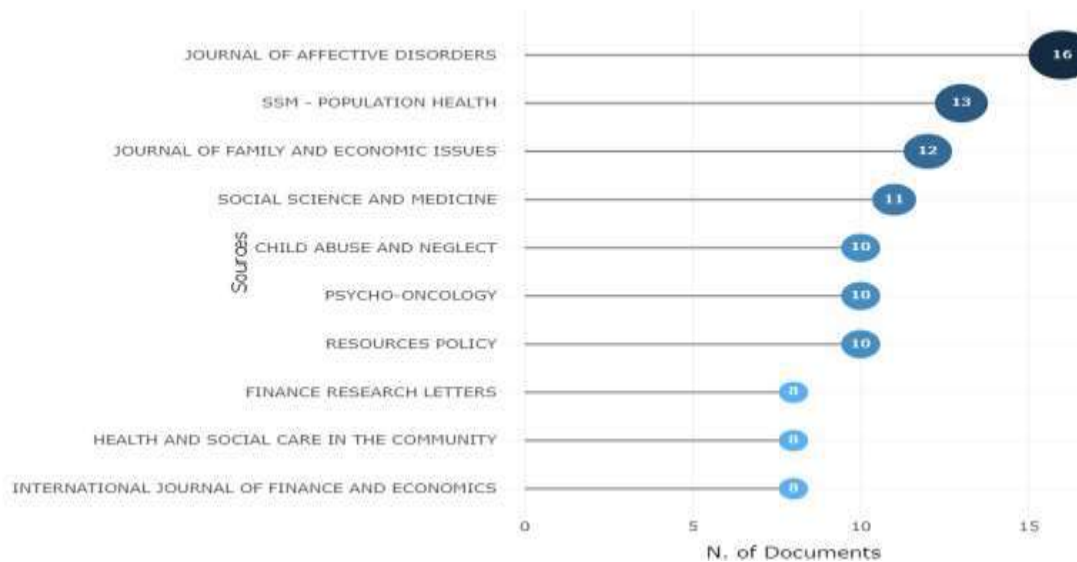


Figure 1: Publications by Top Ranked Journals

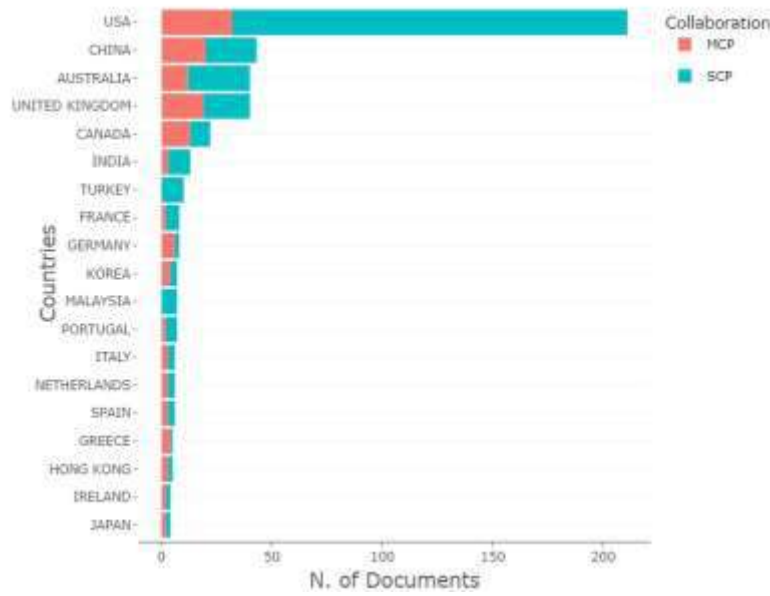


Figure 2: Publications by Countries

Based on the Figure 2, it was discovered that that single and multiple authors from USA have the highest number of publications (more than 200), followed by China, Australia, UK and Canada. Surprisingly Malaysia was placed 11th, which all were from single collaboration partnership.

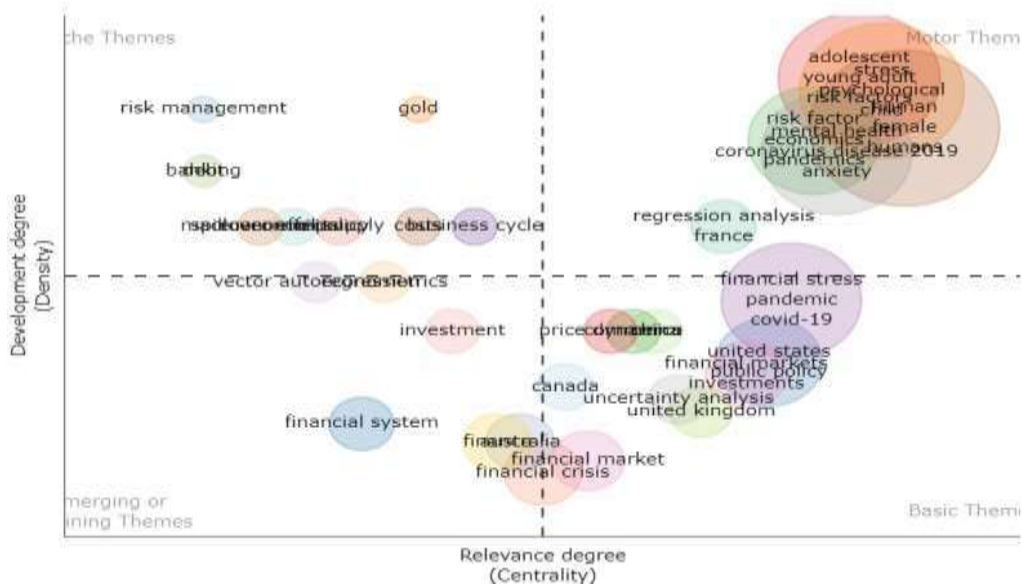


Figure 3: Thematic Evolution (2018-2022)

The thematic evolution was divided into four themes which are niche theme and emerging theme for the density and, motor theme and basic theme for the centrality. As displayed in Figure 3, it was found that the financial stress topic is categorized in between basic and motor theme and this topic is hot research topic especially when it is related to Covid 19 pandemic.

CONCLUSIONS

Financial stress topic has been a hot topic especially during pandemic of Covid 19. Though all in the world have been affected by this pandemic, the USA authors have dominated this research area in a significant degree, way far from China and other countries. However, this review is only limited to full open English articles from Scopus platform only, thus it may have missed some other of good quality articles not listed in Scopus. This is not an SLR or meta-analysis hence the review has opted all other details in the articles.

The bibliometric analysis is a technique which has given other perspective and insights of the literature review. The R software has made it possible to see the topic trend and area be sought after in the future. It can be concluded that financial stress topic still has much room to be explored especially in Malaysia. Our future work may include financial stress among employees and its impact towards their performance.

REFERENCES

- Donthu, N., Kumar, S., Mukherjee, D., Pandey, N., & Lim, W. M. (2021). How to conduct a bibliometric analysis: An overview and guidelines. *Journal of Business Research*, 133, 285-296.
- Friedline, T., Chen, Z., & Morrow, S. P. (2021). Families' financial stress & well-being: The importance of the economy and economic environments. *Journal of Family and Economic Issues*, 42(1), 34-51.
- Guan, N., Guariglia, A., Moore, P., Xu, F., & Al-Janabi, H. (2022). Financial stress and depression in adults: A systematic review. *PloS one*, 17(2), e0264041.

- Huang, R., Ghose, B., & Tang, S. (2020). Effect of financial stress on self-reported health and quality of life among older adults in five developing countries: a cross sectional analysis of WHO-SAGE survey. *BMC geriatrics*, 20(1), 1-12.
- Ismail, N., & Zaki, N. D. A. (2019). Does financial literacy and financial stress effect the financial wellness. *International Journal of Modern Trends in Social Sciences*, 2(8), 1-11.
- Oyadeyi, A. E., Fasola, O. S., & Oladokun, T. A. (2022). Influence of personal and occupational stressors on job performance of library staff in private universities in Oyo State, Nigeria. *Brazilian Journal of Information Science: research trends*, 16, e02148-e02148.
- Tran, A. G., Lam, C. K., & Legg, E. (2018). Financial stress, social supports, gender, and anxiety during college: A stress-buffering perspective. *The Counseling Psychologist*, 46(7), 846-869.
- Xiao, J. J., & Kim, K. T. (2022). The able worry more? Debt delinquency, financial capability, and financial stress. *Journal of Family and Economic Issues*, 43(1), 138-152.

EMPLOYEE PERFORMANCE 5 YEARS BIBLIOMETRIC REVIEW

Nuradli Ridzwan Shah Mohd Dali ⁱ, Hanifah Abdul Hamid ⁱⁱ, Umi Hamidaton Mohd Soffian Lee ⁱⁱⁱ, Wan Nur Fazni Wan Mohamad Nazarie ^{iv} & Wan Rasyidah Wan Mohd Nawang ^v

ⁱ (*Corresponding author*). PM Dr., Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia.
nuradli@usim.edu.my

ⁱⁱ Lecturer, Faculty of Science and Technology, Universiti Sains Islam Malaysia. hanifah@usim.edu.my

ⁱⁱⁱ Lecturer, Institution. Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia.
umihamidaton@usim.edu.my

^{iv} Lecturer, Institution. Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia.
fazni@usim.edu.my

^v Lecturer, Institution. Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia.
wrasyidah@usim.edu.my

Abstract

This paper seeks to review the literature trends on employee performance publications in the recent 5 years (2018-2022) using bibliometric analysis. 1338 full-paper journal articles that were downloaded indexed by SCOPUS have been analysed. The selection criteria also include the recent 5 years publication from 2018- 2022, with English only language. It was found that Indonesia, China, USA, India and Malaysia have been the top country producing employee productivity research articles and Journal of Frontiers in Psychology has the highest publications among other top journals. Employee productivity in terms of country wise, Malaysia still has a long way to climb the ladder and be at par with the top-notch countries.

Keywords: Employee Performance, 5 Years Trend, Bibliometric

INTRODUCTION

The objective of this paper is to review the publication of employee performance literature using bibliometric analysis. Past research conducted either qualitatively or quantitatively has found many influencing factors and impact towards employee productivity. However, we would like to explore what, who and when and where this research was conducted.

Employee performance (EP) is crucial for the development of each individual employee, the company, shareholders, other stakeholders, and the expansion of the broader national economy. Low EP and high EP are two different categories of EP. High EP can boost sales while lowering expenses, resulting in a higher net profit margin for the business. EP can be monitored and quantified in a variety of methods, including by measuring productivity per employee and key performance indicators. However, it can be difficult and expensive to collect uniform data from numerous businesses in various sectors and regions. However, if the data can be defined and standardised, useful interpretations and management suggestions to boost EP can be made.

The concept of work productivity is multifaceted and can mean several things depending on the situation. In particular, the subjective measurement of productivity is employed rather than the objective measurement. The major goal is to determine whether or not financial stability has any direct or indirect effects on productivity. The productivity of the workforce will therefore increase if EP has a greater FWB.

The links between FWB and work productivity have been the subject of certain empirical investigations that have been carried out all over the world. According to a Cox et al. (2009) study done in the United Kingdom, Employee categories with above-average absence rates included those with unpaid debts other than mortgages, non-savers, low-income workers, those with long-term health issues, those living in rented housing, and those who had recently undergone a change in their personal situation. Their results support the relationship between FWB and productivity by demonstrating a connection between these variables.

Earlier, Endicott and Nee (1998) developed a subjective measuring scale for workplace productivity for clinical research. A measurement scale with 25 items was successfully developed, and numerous investigations outside of clinical trials have used the scale. There are four categories of productivity to be measured on this scale: attendance, performance capability, job quality, and personal elements such as social, mental, physical, and emotional components. The frequency of productivity-related behaviours is represented by each item on the scale (Endicott & Nee, 1998).

The bibliometric review revealed that certain journals are preferable than others when it comes to publication of employee performance. Journals from Indonesia

dominate the publications which eventually makes it become the highest publications for this topic.

METHODOLOGY

This qualitative study was conducted using bibliometric analysis (Donthu, N., Kumar, S., Mukherjee, D., Pandey, N., & Lim, 2021). The SCOPUS database was chosen for this purpose and the keyword was “Employee Performance”. Only full-paper articles with English medium from the year 2018- 2022 were selected. The field areas were Social Science, Economics, Econometric and Finance, Psychology, and Business Management and Accounting. All the selected articles were saved using the bibtex format. The R Studio software was then utilised to yield the results including the main findings, the authors, the publication of articles according to year, publishers, countries and themes.

RESULTS AND DISCUSSION

The search found 1338 documents which fulfilled all the set criteria. These documents were written by 3618 authors and published at 518 sources. There were 3 co-authors per document. The average citation per document is 6.918. The rate of international co-authorship is 25.64%. There were 237 employee performance articles published in 2022, 299 (2021), 313 (2020), 305 (2019) and 184 in 2018 as presented in Table 1. It can be seen that these publications increased over time and peaked during COVID-19.

Table 1. Number of articles produced per year

Year	Articles
2018	184
2019	305
2020	313
2021	299
2022	237

Figure 1 below shows that Frontiers in Psychology is the top-notch publisher among Top 10 listed publications with 42 documents. This was followed by International

Journal of Scientific and Technology (39), Sustainability (32), Management Science Letters (30), International Journal of Recent Technology and Engineering, (29),

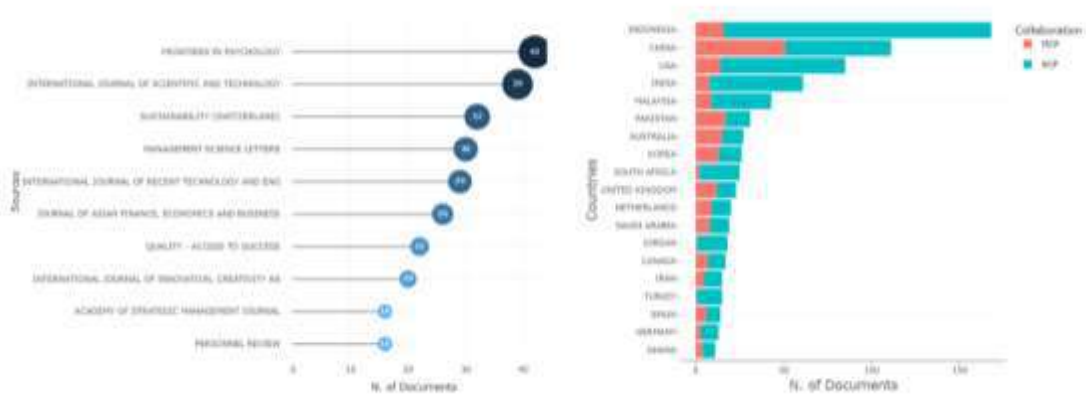


Figure 1: Publications by Top Ranked Journals and Publications by Countries

Journal of Asian Finance, Economics and Business (26), and Quality – Access to Success (22). In addition, it was discovered that single and multiple authors from Indonesia have the highest number of publications (152), followed by China, USA, India and Malaysia. Surprisingly Malaysia was placed 5th.

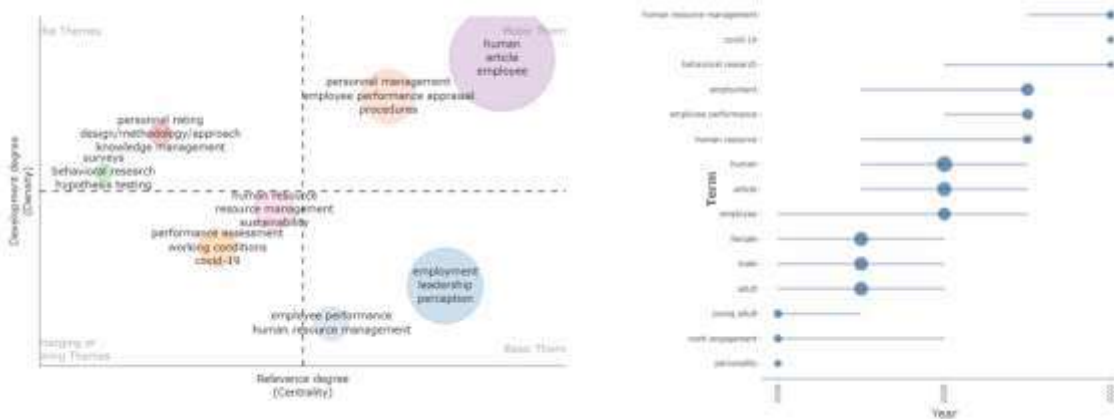


Figure 2: Thematic Evolution (2018-2022) and Trend Topics

As shown in the left panel, the thematic evolution was divided into four quadrants which are niche themes and emerging or declining themes for the density and, motor themes and basic themes for the centrality. It was found that there are several motor themes such as human, article and employee in a cluster. Another cluster in motor themes includes personnel management, and employee performance appraisal

procedures. In the basic themes, employment, leadership and perception fall into 1 cluster while the other cluster includes employee performance and human resource management. As for the emerging topic human resource, resource management and sustainability fall into 1 cluster and performance assessment, working conditions and COVID-19 become 1 cluster. The last quadrant, the niche themes include personal rating, design/methodology/approach, knowledge management fall into 1 cluster, the other cluster include behavioural research and hypothesis testing. The right panel shows that human resource management, COVID-19 and behavioural research are the most recent topics in employee performance.

CONCLUSIONS

Employee performance topic has been a hot topic especially during pandemic of COVID-19. Though all in the world have been affected by this pandemic, the Indonesian authors have dominated this research area to a significant degree, followed by China, USA, India and Malaysia. However, this review is only limited to full open English articles from Scopus platform only, thus it may have missed some other of good quality articles not listed in Scopus. This is not an SLR or meta-analysis hence the review has opted for all other details in the articles.

The bibliometric analysis is a technique which has given other perspectives and insights of the literature review. The R Studio software has made it possible to see the topic trend and area be sought after in the future. It can be concluded that the employee performance topic still has much room to be explored, especially in Malaysia. Our future work may include financial wellbeing and its impact towards their performance.

REFERENCES

- Cox, A., Hooker, H., Markwick, C., & Reilly, P. (2009). Financial well-being in the workplace. *Institute for Employment Studies*, 1–88.
- Donthu, N., Kumar, S., Mukherjee, D., Pandey, N., & Lim, W. M. (2021). How to conduct a bibliometric analysis: An overview and guidelines. *Journal of Business Research*, 133, 85–296.
- Endicott, J., & Nee, J. (1998). Assessment Measures for Clinical Studies. *Psychopharmacology Bulletin*, 33(1), 13. <http://dx.doi.org/10.1016/j.jaci.2012.05.050>

PSYCHOLOGICAL FACTORS INFLUENCE ON FINANCIAL VULNERABILITY: A CONCEPTUAL PAPER

Umi Hamidaton Mohd Soffian Lee ⁱ, Nuradli Ridzwan Shah Mohd Dali ⁱⁱ, Hanifah Abdul Hamid ⁱⁱⁱ, Wan Rasyidah Wan Mohd Nawang ^{iv} & Wan Nur Fazni Wan Mohamad Nazarie ^v

ⁱ (*Corresponding author*). Lecturer, Institution. Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. umihamidaton@usim.edu.my

ⁱⁱ PM Dr., Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. nuradli@usim.edu.my

ⁱⁱⁱ Lecturer, Faculty of Science and Technology, Universiti Sains Islam Malaysia. hanifah@usim.edu.my

^{iv} Lecturer, Institution. Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. wrasyidah@usim.edu.my

^v Lecturer, Institution. Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. fazni@usim.edu.my

Abstract

The recent financial and economic crisis highlights a worsening in the economics and financial situation of household to deals with debt burden, financial distress and unexpected expenses. In the context of increasing rising poverty and social inclusion a discussion on this phenomenon is required in order to identify the major factor may influence individual financial vulnerability which cause inability to assess and make effective decision regarding personal finances. This is library research where content analysis method was applied. This paper aims to identify the elements of psychological factors and its influence on financial vulnerability and proposes a conceptual model to further understand the area of research context. Besides, this paper then develop into concrete research hypotheses for future studies. Findings and discussion will serve as a useful guideline to develop comprehensive understanding on major factors related to financial vulnerability among individual especially in Malaysia. In addition, this study can be a platform and source of reference for others to propose an indicator to overcome the issues of financial vulnerability and reduce financial fragility.

Keywords: Psychology factor, financial vulnerability

INTRODUCTION

Global economic uncertainties in recent years have an adverse impact on many households and individuals across nations including Malaysian. It is due increasing of competitive business environment, tough labour market, high cost of living and firms

across various sectors have had to downsize their workforce (O'Connor et.al., 2019). These factors have undesirable impacts on financial vulnerability of Malaysians such as strain on household purchasing power, upsurge in the use of credit and debt and plausibly developing into other socio-economics adversities such as increased crime, poverty, and unemployment. Recognizing this financial hardship, over the years especially during the pandemic COVID-19 many agencies in Malaysia have continuously put efforts to uplift the issues related to financial vulnerability among its society. Malaysia government as a policy maker have paid close attention to overcome these challenges, particularly for low-income households (denoted as the bottom 40% or B40 group) and middle-income households (denoted as the middle 40% or M40 group), as these two income groups account for a major 80% of total households in Malaysia (Mahdzan et al., 2020). Numerous initiatives to increase knowledge, skills and educational attainment have also been implemented in efforts to improve the livelihood of these segments of society.

Financial vulnerability is defined as the risk of an individual entering difficulty for example being unable to sustain their level of life rather than living in a state of poverty or necessity. According to Anderloni et al., (2012) and Clercq et al., (2015) financial vulnerability refers to situation in which individuals are not able to sustain their expenses, unforeseen expenses cannot be met, and debts or real household net wealth decrease to the income ratio. Besides, financial vulnerability (FV) is often considered a problem affecting the individual's financial stability and, in many cases, they do not even know they are financially vulnerable due to differences in feelings, beliefs, values, habit and preferences.

For example, 74% of Americans report that they are financially stable, however most of them do not have enough funds to deals with unforeseen disaster while maintaining their living standards (Pew Charitable Trusts, 2017; Federal Reserve, 2018). In addition, Malaysia public employees typically spend more than half or 52% of their salaries on debt repayment, which is 20% higher than the national average (Bank Negara Malaysia, 2018). Consequently, this will inevitably leave them with a limited financial buffer against any income shocks.

An increasing body of research in the subject of behavioural economics reveals that individual financial decisions are influenced not just by socioeconomic circumstances, but also by psychological issues (Anderloni et.al., 2012). These

psychological elements may cause people to act in ways that contradict standard economic rationale (Meier and Sprenger, 2010). There are many internal and external factors affecting financial behaviour of individuals. Currently, a diverse body of literature related to financial vulnerability exists across different research domains including economic and marketing. Besides, extent researcher also suggests there several individual factors that contribute to one's financial vulnerability. Hoffmann & McNair (2019) measured financial vulnerability for the US consumers using psychological characteristics to understand the relationship between financial vulnerability and financial outcomes. The relationship between positive and negative financial outcomes is used to determine financial vulnerability.

Therefore, this study will determine the psychological factors influence on financial vulnerability. Previous research mainly focusses on issues of financial vulnerability among household in developed countries whereas little work has been done in the context of developing countries such as Malaysia (Magli et a., 2020).

METHODOLOGY

This study employs content analysis where an inductive strategy is used in tracking and gathering relevant materials related to psychological factors and financial vulnerability. The information obtained is from various sources such as books, journals, articles newspapers and magazines. This information is collected and screened and analyzed using contents analysis. Content analysis resulted when the researcher had the goal of conducting a literature review. By analyzing the opinions of scholars, researchers, as well as reporters in disseminating information the analytical approach was used to develop understanding on factors of psychological factors and it influence on financial vulnerability.

LITERATURE REVIEW ON PSYCHOLOGICAL FACTORS

Psychological factors are used to provide answers in situations where an individual's plan under a climate of uncertainty without knowing the expected outcome, he may derive from the decision have been made. Reflecting financial vulnerability and psychological characteristics are intertwined, which lead to a direct impact upon one another. According to Mcree and John (1992), psychology characteristic relatively as a permanent form of individual thoughts, emotions, motives and behaviour. According to Starkey, Keane, Terry, Marx, & Ricci, (2013), financial vulnerability refers to the

cognitive, emotional, and behavioural responses to the experience of economic hardship that happens when real costs surpass income, and one is not able to meet their financial responsibilities.

Researchers started to focus on the relation between psychological factors and financial well-being after scholars realized that financial well-being (vulnerable or not vulnerable) is frequently, strongly linked with stable personality of individuals. It involves four major elements which are locus of control, instant gratification, social norms and materialism (Refer to Figure 1).

Locus of control is a psychological concept that refers to how strongly people believe they have control over the situations and experiences that affect their lives (McCormack and Cotter, 2013). Individuals are said to have an internal locus of control when they believe they can control and, if necessary, change workplace events and environment. They feel that what happens to them is the result of their own actions, behaviour or attitudes, and that it is within their power to make changes. In contrast, individuals are said to have a locus of control that is external when they believe that forces or powers outside or beyond themselves are in control of their future and environment which also involve financial capability (Mohammad Fazli Sabri et al. 2021).

Instant gratification is the desire to experience pleasure or fulfilment without delay or deferment. Basically, it's when you want it; and you want it now. This is a classic study in psychology referring to the experimental of giving the choice to children of having 1 marshmallow now or getting 2 marshmallows after an hour (Luo and Pattanakul, 2020). Instant gratification or delay gratification affect the decision making of consumers and will have positive and negative consequences as a result to financial status.

Social norms are regarded as collective representations of acceptable group conduct as well as individual perceptions of particular group conduct. They can be viewed as cultural products (including values, customs, and traditions) which represent individuals' basic knowledge of what others do and think that they should do. For example, differences in cultural context can influence economic outcomes, including people's financial status and behaviour, largely through socioeconomic background,

financial socialization, risk preference, and attitudes towards money (Brown et al., 2018; Falk et al., 2018)

In addition, materialism is about values and desire for money, possessions, and the like (Dittmar et. al.,2014). Materialism is a post-modern culture which perceived that consumption status is power and an indicator of life success. Materialistic people are less happy, more likely to spend money, more likely to show a favourable outlook about borrowing money for luxury purchases, and more likely to be compulsive buyers.

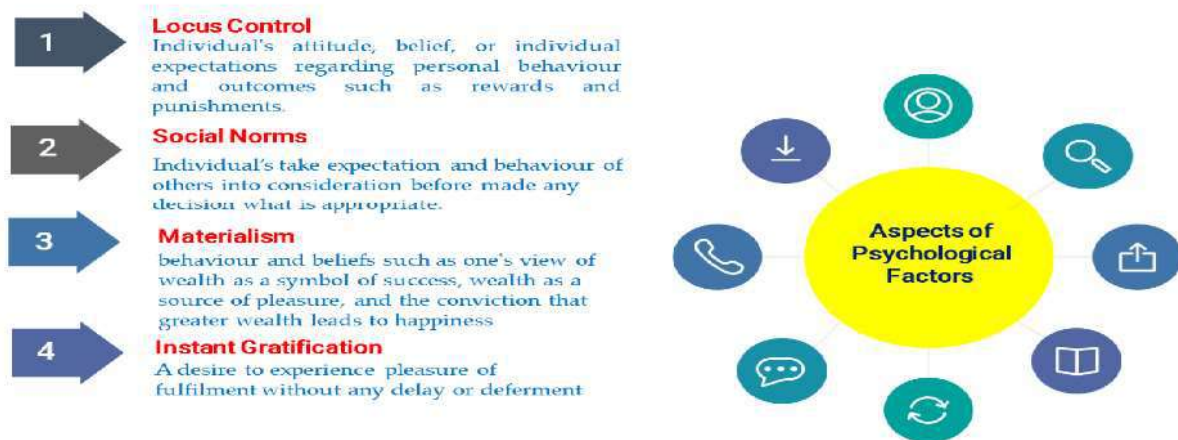


Figure 1: Elements of Psychological Characteristics

RESEARCH FRAMEWORK

A research study between China and South Africa focus on the linkage between locus of control and financial vulnerability. There is correlation between locus of control, and it became as determinants factor towards economic and financial problems (Mohammad Fazli Sabri et al., 2021). Highest level of locus of control identifies progressively towards beneficial financial outcome. In addition, Faizah and Hashim (2013) showed that there is correlation between locus of control on economic problems among household. On the other hand, a study was conducted by Sabri et al., (2012) and Sharif and Naghavi, (2020) agreed that people in Malaysia tend to acquire financial status (vulnerable or not) and mould their financial behaviour through social norms and financial socialization agents, such as family, friends, or even religion. Materialism culture in Malaysia is found to be significant in younger generations nowadays whereby people have been competing to be trendsetters resulting them falling in debts trap should the maladaptive behaviours gone uncontrolled. The financial vulnerability is often incurred due to unwise

borrowing choice, which causes households unable to cope with debts given their current and future level of their life satisfaction (Loke, 2017). Households who are financially vulnerable tend to engage in suboptimal financial choices upon their own instant needs and they face greater risk of suffering financially (Hoffmann and McNair, 2018).

According to Loke (2017), 51.7% of Malaysian were reported to demonstrate moderate level of financial vulnerability, 15.2% were highly financial vulnerable and 33.1% were possessed low level of financial vulnerability. It reflects the personal behaviour of individual as one of determinant factors towards the issues of financial vulnerability.

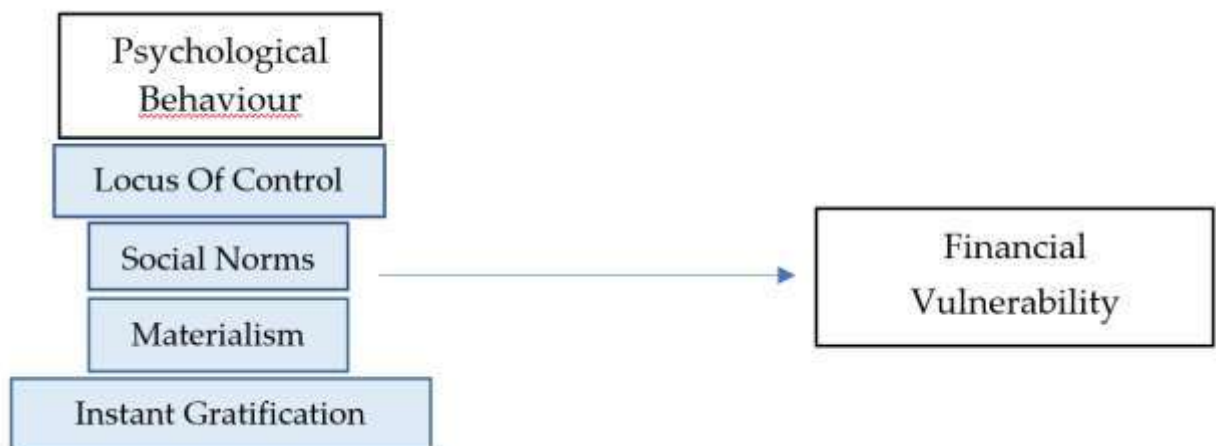
Based on literature, the following hypotheses were developed. In particular, the paper proposes a model that examines impact of psychological behaviour on financial vulnerability.

H1: Locus of Control influence financial vulnerability

H2: Social Norms influence financial vulnerability

H3: Materialism influence financial vulnerability

H4: Instant Gratification influence financial vulnerability



These variables are eventually related to financial vulnerability. The research model for this study can be explained based on Bandura's Self Efficacy Theory (1977), which

suggests that a person's confidence in their proficiency for carrying out specific tasks is called self-effectiveness which related to the elements of psychological behaviour such as locus of control, social norms, materialism, and instant gratification affecting financial vulnerability.

CONCLUSION AND FUTURE RESEARCH

Previous researchers have highlighted the impacts of financial behaviour, self-belief and financial attitudes. This research on the other hand, attempt to provide insight into these facets, thus providing psychological variables as these elements may closely correlate a person's feeling, particularly, with the sense of money management. It is predicted that these elements will be significantly influence on financial vulnerability. the current economic challenges faced by Malaysian household have attracted special attention from researcher, policy makers and academics. There is a potential benefit of this research. Firstly, the main thrust of this study is to explore the factors influence financial vulnerability among individuals which expected finding will allows people to improve their personal quality and virtuous financial factors. Second, this study will provide numerous key understanding and implications of psychological behaviour towards financial vulnerability. Thus, psychological behaviour in undoubtedly an important contributor towards individual journey in determine the success of failure in dealing with financial status and aspects. Perhaps by applying a good and proper element of psychological behaviour throughout life will lead and generate a better financial management behaviour. Third this research could identify the impacts of psychological behaviour on financial vulnerability based on demographic characteristics such as level of income. By identifying this, government and other agencies will be able to implement intervention programs geared towards ensuring better focus on managing financial administrative tasks among respective groups to minimize their financial vulnerability.

This research could also be expanded to include other psychological variables as they may closely correlate a person's feeling, particularly, with the sense of money management. It would be interesting to understand which dimensions are more significant in this research area.

REFERENCE

- Anderloni, L., Bacchiocchi, E., & Vandone, D. (2012). Household financial vulnerability: An empirical analysis. *Research in Economics*, 66(3), 284-296
- Bandura, A., & Adams, N. E. (1977). Analysis of self-efficacy theory of behavioral change. *Cognitive therapy and research*, 1(4), 287-310.
- Bank Negara Malaysia. (2018). *The financial stability and payment systems report 2018*. Government Printing Office.
- Brown, M., Henchoz, C. and Spycher, T. (2018). Culture and financial literacy: Evidence from a within-country language border. *Journal of Economic Behavior & Organization*, 150, pp. 62-85
- Clercq, B., van Tonder, J. A., & van Aardt, C. J. (2015). Consumer financial vulnerability: Identifying transmission linkages that could give rise to higher levels of consumer financial vulnerability. *Southern African Business Review*, 19(1), 112-136.
- Faizah, G., & Hashim, H. B. (2013). Challenges and locus control among single mothers in Muar, Johor. *Journal of Emerging Trends in Educational Research and Policy Studies*, 4(5), 760-765.
- Falk, A., Becker, A., Dohmen, T., Enke, B., Huffman, D. and Sunde, U. (2018). Global evidence on economic preferences. *The Quarterly Journal of Economics*, 133(4), 1645-1692
- Dittmar, H., Bond, R., Hurst, M., & Kasser, T. (2014). The relationship between materialism and personal well-being: A meta-analysis. *Journal of personality and social psychology*, 107(5), 879.
- Hoffmann, A. O., & McNair, S. J. (2019). How does consumers' financial vulnerability relate to positive and negative financial outcomes? The mediating role of individual psychological characteristics. *Journal of Consumer Affairs*, 53(4), 1630-1673.
- Loke, Yiing Jia (2017) : *Financial vulnerability of working adults in Malaysia*, *Contemporary Economics*, University of Finance and Management in Warsaw, Faculty of Management and Finance, Warsaw, Vol. 11 (2), 205-218,
- Luo, Y., & Pattanakul, D. (2020). Infant expectations of instant or delayed gratification. *Scientific Reports*, 10(1), 1-7.
- Magli, A. S., Sabri, M. F., & Rahim, H. A. (2020). The influence of financial attitude, financial behaviour, and self-belief towards financial vulnerability among public employees in Malaysia. *Malaysian Journal of Consumer and Family Economics*, 25, 175-193.

- Mahdzan, N. S., Zainudin, R., Abd Sukor, M. E., Zainir, F., & Ahmad, W. M. W. (2020). An exploratory study of financial well-being among Malaysian households. *Journal of Asian Business and Economic Studies*.
- McCormack, N., & Cotter, C. (2013). *Managing burnout in the workplace: A guide for information professionals*. Elsevier.
- Mohamad Fazli Sabri, Thinagaran Moga Dass, Nik Ahmad Sufian Burhan, Husniyah Abdul Rahim Abdul Wahab, Rusitha Wijekoon, & Megawati Simanjuntak. (2021). Determinants of Life Satisfaction among Female-Headed Households in Malaysia. *International Journal of Business and Society*, 22(1), 276-295.
- O'Connor, G. E., Newmeyer, C. E., Wong, N. Y. C., Bayuk, J. B., Cook, L. A., Komarova, Y. & Warmath, D. (2019). Conceptualizing the multiple dimensions of consumer financial vulnerability. *Journal of Business Research*, 100, 421-430.
- Sabri, M. F., Cook, C. C. and Gudmunson, C. G. (2012). Financial well-being of Malaysian college students. *Asian Education and Development Studies*, 1(2), pp. 153-170.
- Starkey, A. J., Keane, C. R., Terry, M. A., Marx, J. H., & Ricci, E. M. (2013). Financial distress and depressive symptoms among African American Women: identifying financial priorities and needs and why it matters for mental health. *Journal of Urban Health*, 90(1), 83-100. doi:10.1007/s11524-012-9755-x.
- Magli., S.A., Sabri., F.M., Abdul Rahim., H. 2020. The Influence of Financial Attitude, Financial Behaviour, and Self-Belief towards Financial Vulnerability among Public Employees in Malaysia. *Malaysian Journal of Consumer and Family Economics*, 25, 175-193.
- Maccarrone-Eaglen, A., & Schofield, P. (2017). Compulsive buying behavior: Re-evaluating its dimensions and screening. *Journal of Consumer Behaviour*, 16(5), 463-473.
- Meier, S., & Sprenger, C. (2010). Present-biased preferences and credit card borrowing. *American Economic Journal: Applied Economics*, 2(1), 193-210.
- Sabri, M. F., Aw, E. C. X., Abdul Rahim, H., Burhan, N. A. S., Othman, M. A., & Simanjuntak, M. E. G. A. W. A. T. I. (2021). Financial literacy, behavior and vulnerability among Malaysia households: Does gender matter. *International Journal of Economics & Management*, 15(2), 241-256.
- Starkey, A. J., Keane, C. R., Terry, M. A., Marx, J. H., & Ricci, E. M. (2013). Financial distress and depressive symptoms among African American women: identifying financial priorities and needs and why it matters for mental health. *Journal of Urban Health*, 90(1), 83-100.

HALAL RESEARCH IN CONSUMER STUDIES: A BIBLIOMETRIC ANALYSIS

Siti Nurunnajwa Shamsudin ⁱ, Elistina Abu Bakar ⁱⁱ, Syuhaily Osman ⁱⁱⁱ & Nuradli Ridzwan Shah Mohd Dali ^{iv}

ⁱ (*Corresponding author*). Halal Product Research Institute, Universiti Putra Malaysia.
najwashams@gmail.com

ⁱⁱ Halal Product Research Institute, Universiti Putra Malaysia. elistina@upm.edu.my

ⁱⁱⁱ Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. nuradli@usim.edu.my

Abstract

This paper aims to review the halal literature in the consumer study. Using a bibliometric approach, we collected 542 articles published between 2001 to 2021 from journals indexed in the Scopus database. RStudio and Microsoft Excel were used to analyse the data. It was found that Malaysia has been the top country that produces halal research articles, and the Journal of Islamic Marketing has the highest publications among the top journals. The trend of halal research in consumer study keeps increasing over the year, with an average growth rate of 23.5% and this trend is expected to grow over the next decade.

Keywords: Halal, Consumer, Bibliometric, Review, Literature

INTRODUCTION

Halal is derived from an Arabic word meaning "lawful or permissible" (Al-Qardawi, 1999). For Muslims, consuming halal is essential as it is an order from Allah and part of the Islamic faith as mentioned in a hadeeth from The Prophet (peace be upon Him) which is reported by Bukhari, Muslim, Abu Daud, Ibn Majah and Dariimi as follows: "*What is Halal is clear. And what is Haram is also clear. And in between those two is a dubious area in which many people do not know about. So, whoever distanced himself from it, he has acquitted himself (from blame). And those who fall into it, he has fallen into a state of Haram*". Halal not only encompasses food and drink but all matters of daily life. Nowadays, halal also covers many types of products and services, such as cosmetics, pharmaceuticals, medicine, logistics and tourism.

Globally, the halal industry has developed and evolved over the past few decades. As the halal industry expands, the need for new policies, regulations and the expansion of knowledge becomes extremely important. Consequently, researchers are required to contribute their ideas and research to the halal ecosystem. All the research findings will benefit not only the country and manufacturers but also the consumers. As a consumer, Muslims have the right to consume halal products because it is part of human rights which is the right to basic needs (Mustafa' Afifi Ab. Halim et al., 2013). Therefore, halal research in consumer studies is essential to improve halal products and protect Muslim consumers from consuming non-halal products.

Halal research has gradually gained a global foothold over the last 20 years (Ismail et al., 2020). Even though halal research is expanding, to the best of the authors' knowledge, only a small number of research have been reviewed and evaluated using bibliometric and network analysis techniques, especially in consumer studies. Hence, this paper aims to examine the trend of halal research in consumer studies using a bibliometric approach.

METHODOLOGY

In order to achieve the objective of this study, a bibliometric analysis technique was applied. Bibliometric analysis is a common research method for determining the current state of knowledge on a particular subject. This method can describe patterns of publications within a given period or body of literature by utilizing quantitative analysis and statistics. This research method is also used to obtain a comprehensive overview, identify knowledge gaps, generate novel research ideas, and position the researcher's intended contribution to the research field (Donthu et al., 2021).

This study used the keywords "halal AND consumer" in the Scopus database because it is the largest bibliographic database of peer-reviewed articles. In this study, we have limited our search up to the year 2021 and excluded the published articles in 2022. The results are refined by excluding conferences, book chapters, short surveys and magazine articles. We only evaluated scientific publications (articles and reviews) published in peer-reviewed journals because they are also considered "certified knowledge." The result leads to 542 relevant documents after removing the duplicate

data. All the selected articles were saved using the csv format, and the data were extracted using bibliometric analysis by Microsoft Excel and RStudio.

RESULTS AND DISCUSSION

Our dataset contained 542 documents (484 articles and 58 reviews) from 220 sources, while the time frame of the collected studies was from 2001 to 2021. About 1460 authors have been involved, and only 59 were identified as single-authored documents. All documents have 1485 authors' keywords with 25,772 references, and the average citation per document is 18.3. the collaboration index in our dataset was 3.39, implying that there were 3.39 authors (on average) in each paper. Figure 1 illustrates the growth of halal research in consumer studies from 2001 until 2021, achieving an average growth rate of 23.49%. It is noticeable that the research productivity was almost stable from 2001 to 2010. However, considerable growth has occurred since 2011, and this trend is expected to grow over the next decade.

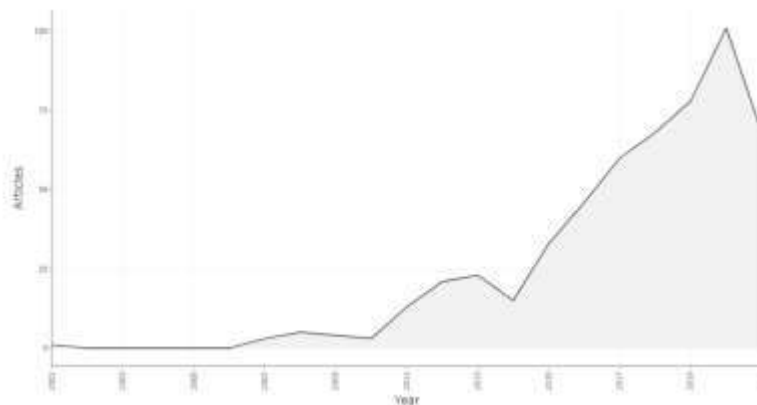


Figure 1: Growth of halal consumerism research from 2011 until 2021

Figure 2 illustrates the most active countries in halal research in consumer studies. We found that Malaysia was the most productive and impactful country, followed by Indonesia, the United Kingdom, Pakistan and Thailand. The top 5 institutions that published articles on halal consumerism are also from Malaysia, and Universiti Putra Malaysia has been listed as the most institution that contributes to this research field (Figure 3).

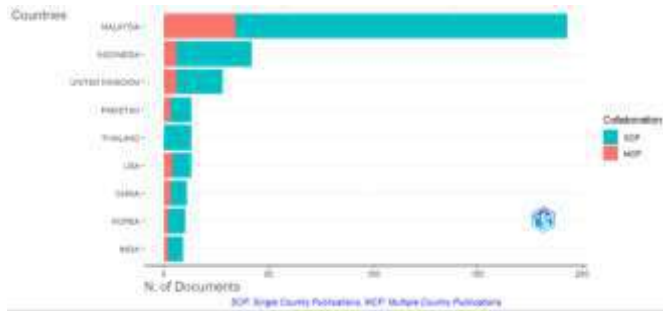


Figure 2: Contribution by Countries

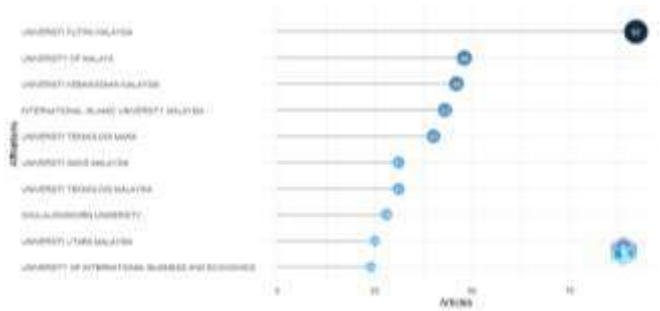


Figure 3: Contribution by Institutions

Figure 4 shows that the Journal of Islamic Marketing is the top publisher among the Top 10 listed publications with 109 documents. This was followed by British Food Journal, International Journal of Supply Chain Management, Malaysian Journal of Consumer and Family Economics and Food Products Marketing. It was also discovered that the top subject area is business, management and accounting (28%), followed by agricultural and biological science (16%) and social sciences (11%).

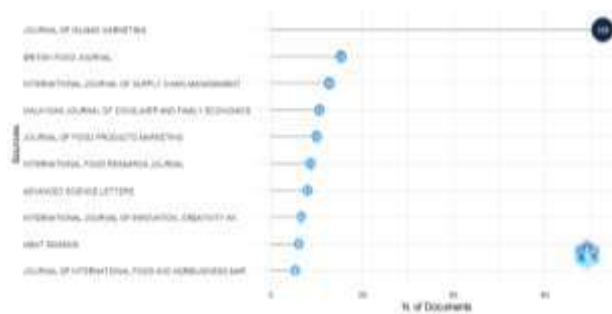


Figure 4: Contribution by Journals

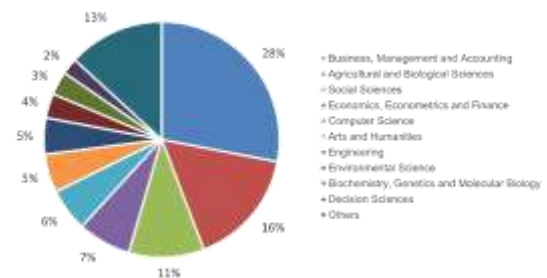


Figure 5: Contribution by Subject Areas

Figure 6 shows the word cloud made from keywords by authors. Words with high frequency in the literature are more in size. Halal, halal food and purchase intention have the highest frequency and indicate that these words are most frequently discussed in the articles. Furthermore, the words cloud also highlighted Malaysia and Islam. Most of the studies could be conducted in Malaysia since the highest contribution by institutions was also from Malaysia. Halal and Islam are interrelated because searching for halal is part of Muslims' obligations in their daily life. Other topics that also had been discussed in the articles are halal certification, halal market, halal awareness, halal meat, halal cosmetics, halal supply chain and halal tourism.



Figure 6: Word cloud

Figure 7 shows the trend topics by year from 2009 until 2021. Based on the trend map, halal meat is among the earliest topics frequently discussed until 2018. Subjective norms, halal awareness, willingness to pay and halal welfare are the current topics related to halal in consumer studies. Future studies may focus on these topics as these topics are still new and have the potential to be developed well.

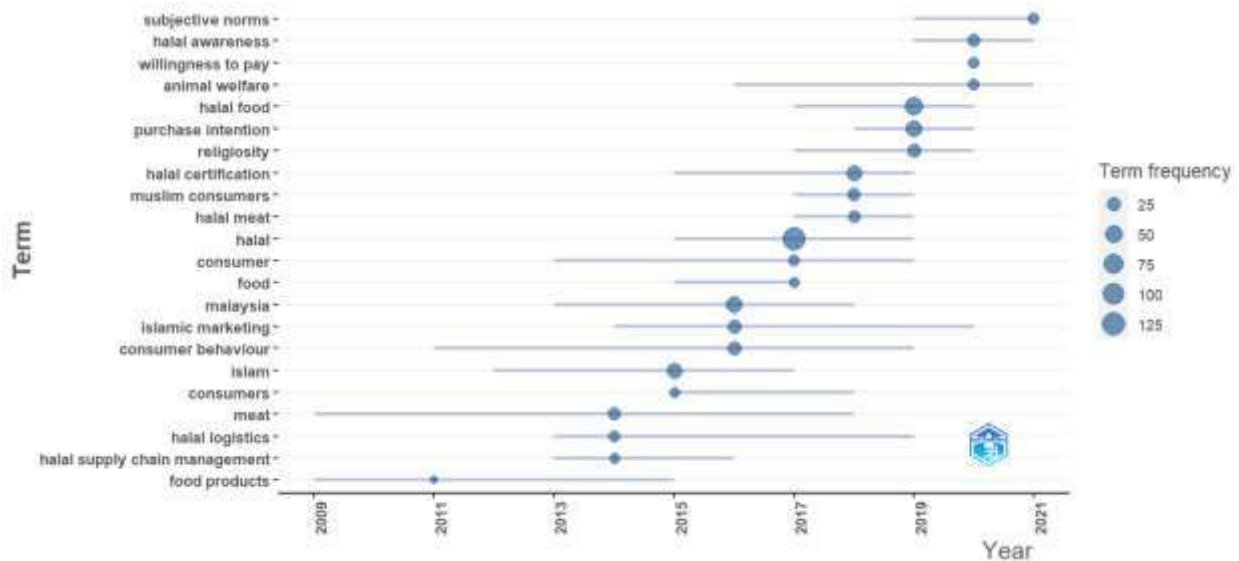


Figure 7: Trend Topics

As shown in figure 8, the thematic evolution was divided into four parts: emerging or declining themes, niche themes, basic themes and motor themes. The themes that appear as emerging or declining themes are new themes that can emerge to be better or drop from the research area. The themes that come under the niche themes are themes that are highly developed but isolated. Meanwhile, themes in the basic themes indicate that much research have been done on these themes. Lastly, themes on the motor themes represent high density and high centrality which is developed and essential.

Figure 8 shows that there are several basic themes, such as halal food, purchase intention, religiosity, Muslim consumers and attitude in a cluster. Another cluster represented by halal, Malaysia, Islam, halal certification and meat was in the middle of basic and motor themes. A cluster represented by Islamic marketing, consumer behaviour, halal market, Muslim consumer and Islamic market was found in the motor themes. Meanwhile, halal meat, animal welfare, consumers, stunning and consumer perceptions are grouped under one cluster and located between motor and niche themes. One theme has been categorized as niche theme, which is consumer protection. Meanwhile, two themes have been categorized as emerging or declining themes: Muslim consumers and halal tourism.

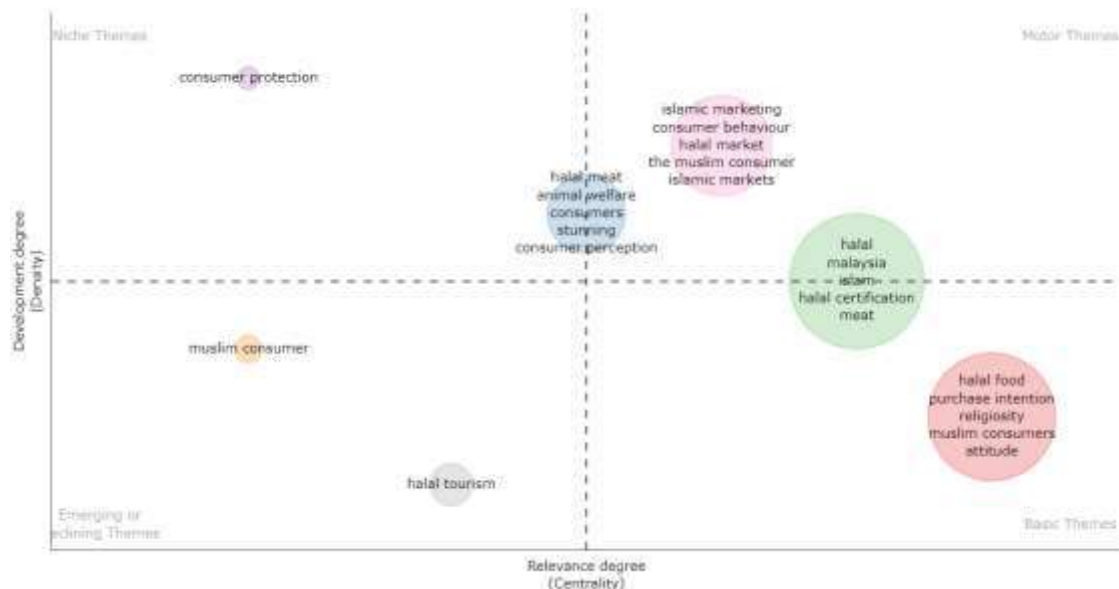


Figure 8: Thematic Map

CONCLUSIONS

This study has found that the trend of halal research in consumer studies keeps increasing over the year. Most studies focused on Malaysia and halal food is among the hot topics in consumer studies. However, because this review is only focused on English articles from the Scopus platform, it may have overlooked some other good articles that are not included there. The bibliometric analysis is a method that has provided additional perspectives and insights into the literature review. The R Studio

software has enabled the prediction of future topic trends and areas of interest. It can be concluded that there is still much to learn about halal in consumer studies, particularly in consumer protection. Our future work may include the enforcement of the halal policy and its impact on consumer protection.

REFERENCES

- Al-Qardawi, Y. (1999). *The lawful and the prohibited in Islam*. American Trust Publications.
- Donthu, N., Kumar, S., Mukherjee, D., Pandey, N., & Marc, W. (2021). How to conduct a bibliometric analysis: An overview and guidelines. *Journal of Business Research*, 133(March), 285–296. <https://doi.org/10.1016/j.jbusres.2021.04.070>
- Ismail, R. M., Mustafar, M., Yaacob, N. A., Yamin, F. M., Mohamed Ismail, R., Mustafar, M., Yaacob, N. A., & Mat Yamin, F. (2020). Trend analysis on 13 years of halal research; Investigation on halal food research. *International Journal of Supply Chain Management*, 9(3), 1092–1096. <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85087787427&partnerID=40&md5=373354858ce746702da59a78277c4c6e>
- Mustafa' Afifi Ab. Halim, Mohd Mahyeddin Mohd Salleh, Kamilah Wati Mohd, Asming Yalawae, Syed Mohd Najib Syed Omar, Asmidah Ahmad, Azlin Alisa Ahmad, & Mohd Izhar Ariff Mohd Kashim. (2013). Consumer Protection of Halal Products in Malaysia. *Middle-East Journal of Scientific Research* 13, 13(January), 22–28. <https://doi.org/10.5829/idosi.mejsr.2013.16.s.10025>

PEER TO PEER LENDING MARKET: A BIBLIOMETRIC ANALYSIS

Nurhayati Mohammad Raduanⁱ & Nuradli Ridzwan Shah Mohd Daliⁱⁱ

ⁱ (Corresponding author). PM Dr., Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia.
nuradli@usim.edu.my

ⁱⁱ Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. nurhar2875@uitm.edu.my

Abstract

The purpose of this study is to conduct a bibliometric analysis of scientific trend on research in peer-to-peer lending market. A search was conducted on literature in Web of Science (WoS) in October 2022, based on indexed journals databased from 2009 to 2022. There were 581 full-paper journal articles processed and analysed using VOSviewer software version 1.6.18 and Bibliometrix software. The relationship between the various terms and their association in clusters of thematic areas was visualised using a map based on the co-occurrence technique of "full-counting" terms. Based on co-authorship, bibliometric analysis revealed the most well-known authors, countries, and organisations. The results revealed that China contributed the most documents on peer-to-peer lending as well as US dominated in this area. The three most popular authors were Li Y., Zhang W., and Li X. In the meantime, Peking University, Tianjin University, and Hefei University of Technology have been the top institutions. Additionally, we discovered the top five keywords namely, peer to peer lending, p2p lending, information, credit, and fintech. Furthermore, the implication of this study is to indicate the future trend of research in peer-to-peer lending market.

Keywords: peer to peer lending, Bibliometric Analysis, Literature Review

INTRODUCTION

Low returns on public markets have attracted investors to alternative types of investments ever since the global financial crisis of 2007–2008. Investor preferences may continue to shift toward less liquid and transparent non-traditional markets as a result of the COVID-19 catastrophe (Sindreu, 2020). Peer-to-peer lending (P2PL) platforms are online marketplaces that connect borrowers and lenders without the need of traditional mediators (Herzenstein et al., 2008; Galloway, 2009). Today, an investor has the option of lending all of his or her money to one borrower or distributing it among several borrowers. The lender now has the chance to diversify the investment and lower the

risk due to this development. And today, investors and borrowers are both entering the market at the same time, as opposed to borrowers initially searching out investors. These online platforms, which are progressively growing fast in the United States, United Kingdom, China, and other developed nations.

In line with the peer-to-peer lending rapid growth, this study aims to map the development of peer-to-peer lending research indexed on the Web of Science (WoS) database from the beginning peer-to-peer lending was created until 2022. A prior bibliometric analysis of crowdfunding literature was included in the Tomson Reuters Web of Science, was conducted by Climent, Grima, and Soriano (2018). This study, however, concentrated more intently on peer-to-peer lending. In this case, a thorough examination of the expansion of research will help in evaluating the various issues of the scientific view that peer-to-peer lending brings with it.

METHODOLOGY

Scientometrics is a field or study of quantifying and analysing scientific literature. Bibliometrics is a branch of scientometrics which deals with the statistical evaluation of publications such as articles, books, books chapters and other sorts of materials (Bellis,2009). The value and significance of study area that have been published in books or scientific journals are also evaluated using this method. How frequently a publication is cited in other publications can be used as a measurement of quality. Additionally, bibliometric studies can map out pertinent information, including the most well-liked authors and keywords, as well as associated problems discussed (Agbo et al., 2021).

A bibliometric analysis of peer-to-peer lending-related articles published in reputable journals that are indexed at WoS was used in this study. WoS is able to offer extensive information about research findings across a range of scientific disciplines since it is one of the highly rated database indexes for international scientific publications. Additionally, WoS can store research findings that can be looked for based on the topic, keywords, authors, affiliation, nation, publisher, and year of publication. This database can therefore be used to collect data for bibliometric purposes. The bibliometric data on the topic of the articles on peer-to-peer lending were analysed with the Bibliometric R package (Aria and Cuccurullo, 2017). In order to do thorough quantitative research in scientometrics and bibliometrics, the R package Bibliometric

facilitates the importation of bibliographic data from a variety of sources (including WoS). Additionally, it assesses other metrics including coupling, scientific collaboration, and co-word analyses, in addition to co-citations. Statistical programme R-studio was used to conduct the analysis.

Our aim is to identify the peer-to-peer lending markets previous issues has been researched. The bibliometric analysis will highlight the most significant references, trends, and numerous developments during the previous decade. Bibliometric research can be mapped using the software VOSviewer (Rusydiana, 2019). VOSviewer, also known as VOS similarity visualisation, is used in the bibliometric mapping technique. To help the author locate the study pattern for the relevant subject, VOS acts to visualise literary data, such as books and articles, in figure maps (Van Eck et al.,2010). VOSviewer software was used for mapping of frequent author keywords, journal citations and research collaboration.

581 scientific contributions were discovered as a result of the screening process conducted in October 2022, which looked out all references to "peer to peer lending" or "p2p lending" in "all fields" of WoS. Following that, the document types "Article," and "Review article", and language "English" were filtered. Then, only publications released after 2005 are counted in this analysis. This time period's setting alludes to peer-to-peer lending's development, which began in 2005. However, the first article on peer-to-peer lending to appear in the WoS database was published in 2009. Consequently, the results include a time period for publications from 2009 to 2022. The aim of this study is to give a brief overview of the most recent studies on the peer-to-peer lending industry. The following research questions will guide this study:

1. Research question 1 (RQ1): How has the literature on online peer to peer lending evolved over time? What nations are conducting research into it, specifically? Which publications are this study appearing in? Which publications have the most impact?
- 2) Research question 2 (RQ2): What are the main subjects and issues that has been researched in the peer-to-peer lending market in the last decade?

RESULTS AND DISCUSSION

As a result, we discovered 581 documents were written by 1119 authors. Figure 1 shows the evolution of the number of peer-to-peer lending articles; the period begins in 2009 with 1 publication and concludes in 2021 with 141 publications that are already available online. However, when this bibliometric analysis was conducted in October 2022, we were only able to collect 66 papers. It can be seen that there is a rising trend in publications from 2013 to 2021. Additionally, there will be a significant increase in publications in 2021.

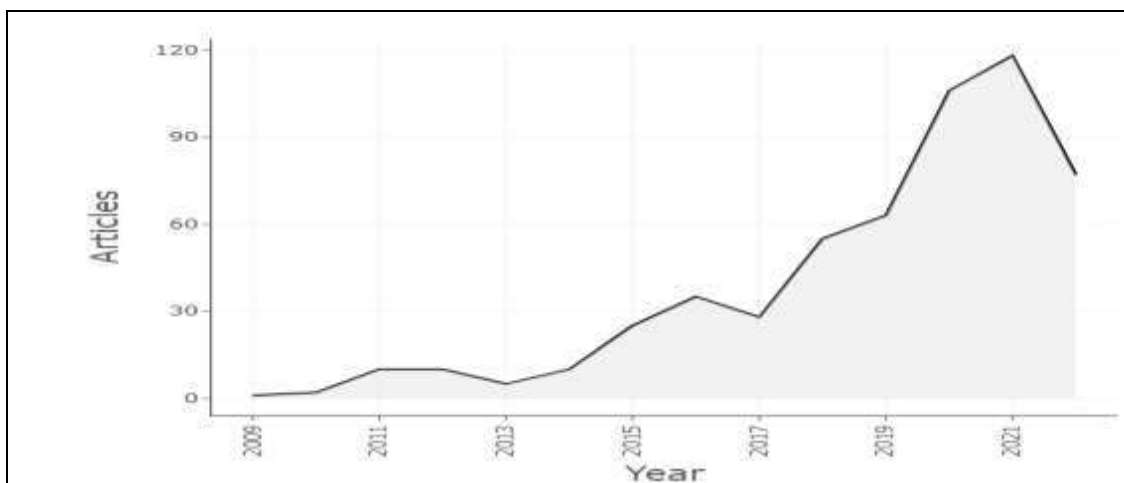


Figure 1: Number of article publications produced per year

Table 1. Descriptive analysis: Top 10–Most Frequent Journals

<i>Name of the Journal</i>	<i>No. of Articles</i>
<i>Electronic Commerce Research and Applications</i>	17
<i>Finance Research Letters</i>	17
<i>Financial Innovation</i>	14
<i>IEEE Access</i>	11
<i>Electronic Commerce Research</i>	10
<i>Emerging Markets Finance and Trade</i>	10
<i>Expert Systems with Applications</i>	10
<i>European Journal of Operational Research</i>	9
<i>Information Systems Research</i>	7
<i>Journal of Corporate Finance</i>	7

Table 1 lists the top ten publications and the total number of publications over the years. It shows that the *Electronic Commerce Research and Applications* is the top-notch publisher among the list with 17 articles. This followed by *Finance Research Letters* (17 articles), and *Financial Innovation* (14 articles).

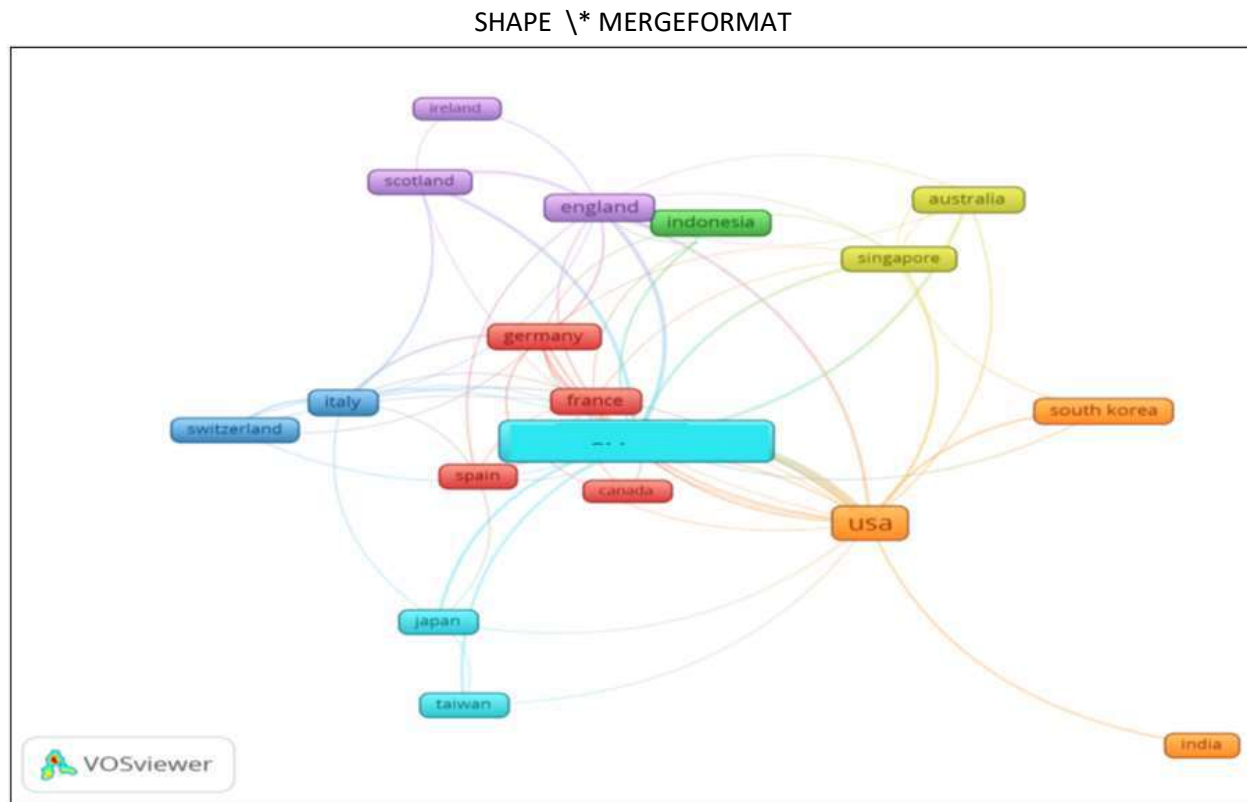


Figure 2: Number of article publications by countries

Figure 2 represents the articles distribution based on single country publications (SCP) and multiple country publications (MCP). MCP indicates, for each country, the number of documents in which there is at least one co-author from different country. Articles from some countries such as UK, Germany, and Italy were mostly composed of multiple country cooperative publications.

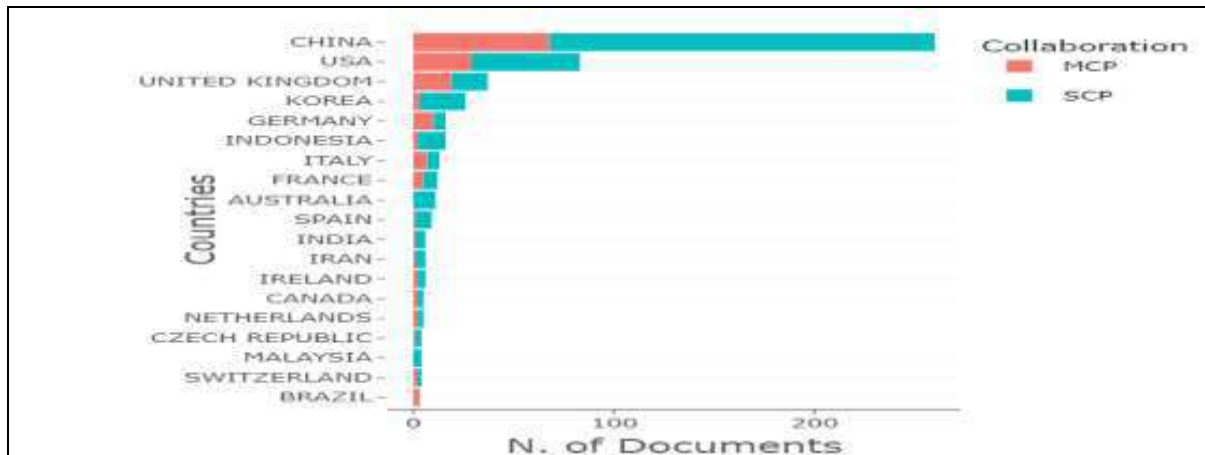


Figure 3: Network visualization map of international collaboration among countries

The countries collaboration network is shown in Figure 3. China, as an important contributing member in peer-to-peer lending research field, has relatively frequent collaboration with Japan, and Taiwan. United States was the most cited country with a total of 5,672 citations, China came in second with 3635 citations, moving up the list of most cited country.

CONCLUSIONS

This bibliometric analysis illustrates the literature on the peer-to-peer lending phenomenon. The goal of this study is to review peer-to-peer lending-related research articles that have been published in the last 14 years, from 2009 to 2022, in the academic journals that are listed in the WoS database. The WoS database was searched using the keyword "Peer to peer lending", or "P2P Lending," which is restricted to the articles and English language and a total of 581 research titles published by 1,119 authors were found.

According to co-authorship bibliometric analysis, Li Y., Zhang W., and Li X., the authors from China made the most contributions to peer-to-peer lending publications. Peking University, Tianjin University, and Hefei University of Technology are the top three universities for authors. Moreover, with 288 documents, China is the top contributor nation that generates the most peer-to-peer lending research in the Web of Science database. Fintech, credit, crowdfunding, lending, and trust make up the

popular of the analysis unit for all keywords such as keywords plus, authors' keywords, and index keywords based on co-occurrence.

In conclusion, this study contributes to peer-to-peer lending literature by facilitating readers' and researchers' access to bibliometric mapping, which enables them to follow the evolution of studies in related disciplines. This research findings can suggest areas for additional study for other academics.

REFERENCES

- De Bellis, N. (2009). *Bibliometrics and citation analysis: from the science citation index to cybermetrics*. scarecrow press.
- Donthu, N., Kumar, S., Mukherjee, D., Pandey, N., & Lim, W. M. (2021). How to conduct a bibliometric analysis: An overview and guidelines. *Journal of Business Research*, 133, 85–296.
- Sindreu, J., 2020. Why Covid-19 Won't Stop the New Shadow Banks. July 13, 2020 Retrieved from: The Wall Street Journal <https://www.wsj.com/articles/why-covid-19-wont-stop-the-new-shadow-banks-11594639940>
- Herzenstein, M., Dholakia, U. M., & Andrews, R. L. (2010). *Strategic Herding Behavior in Peer-to-Peer Loan Auctions*. Newark DE; Houston, TX.

TRENDS IN PUBLIC BUDGETING REFORM: INTEGRATION OF ZERO-BASED BUDGETING AND CLOUD-BASED SOFTWARE AS A SERVICE INITIATIVES FOR FUTURE RESEARCH AGENDA

Abdulfattah Esmail Mohammed Shugaa Alddin ⁱ & Nuradli Ridzwan Shah Mohd Dali ⁱⁱ

ⁱ (Corresponding author). Designation, Institution. email@email.com (Palatino Linotype size 10, Unbold, Centre)

ⁱⁱ PhD Candidate, Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. ismeelfatah@gmail.com

ⁱⁱⁱ PM Dr., Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. nuradli@usim.edu.my

Abstract

This study aims to analyse the most important bibliometric indicators and articles on public budgeting reform (PBR) in general and zero-based budgeting (ZBB) and cloud-based software as a service (SAAS) initiatives in particular that have been published in Scopus-indexed journals from the year 1976 until 2022. The analysis includes the categories of publication journals, attributes or words, years of publication, and topics covered. The bibliometric and content analysis of the publications focused on the Scopus database. Only English articles were considered. The co-occurrence of keywords and countries were visualised by mapping and network analysis using RStudio and VOSviewer. The analysis covered 470 articles on public budget reform, zero-based budgeting (ZBB), and cloud-based software as a service across a period of 40 years. Three journals that produced the most articles on public budget reform, zero-based budgeting (ZBB), and cloud-based software as a service were Accounting (n = 407), Management and Accounting (n = 21), and IEEE Transactions on Services Computing (n = 7). The terms used in public budget reform research included "public budget reform," "cost control," "efficiency," "anti-corruption," "integrity," "accounting and information," "transparency," "performance budgeting," and "accountability." Meanwhile, the terms used in research on zero-based budgeting include "zero-based budgeting," "allocation efficiency," "cost-benefit analysis", "prioritization," "cutting-edge technology," "transparency," "justification," and "accountability". Lastly, the terms used in research on cloud software as a service include "cloud software as a service," "cost-effective access," "real-time reporting," "e-budgeting," "transparency," and "accountability. The analysis showed there an increasing trend of publications from 1976 to 2022.

Keywords: *Public budgeting reform, zero-based budgeting, cloud software as a service, bibliometric, RStudio, VOSviewer*

INTRODUCTION

This paper explores the debate on public budgeting reform, zero-based budgeting, and cloud computing as a service over the previous four decades (1976-2022). Discourse comprehension can be facilitated with bibliometric analysis from the use of frameworks and techniques to examine citations in scientific publications (Donthu et al.,2021; Moral-muñoz et al.,2020; (Ellegaard & Wallin (2015); Patra et al., 2006; Saravanan & Dominic,2014), Bibliometric analysis uses a number of indicators to evaluate the intellectual influence of a specific field of study and to obtain insight into the intellectual structure of a broad academic discipline.

While there have been numerous articles on public budgeting reform, zero-based budgeting, and cloud computing as a service, none has used bibliometric analysis and social network analysis to examine the articles published on those topics. This article, therefore, aims to assess the publication trends about the three aforementioned subjects. Specifically, this paper conducted a keyword co-occurrence analysis using RStudio and VOSviewer. Furthermore, this study analysed the bibliographic characteristics and trends of articles on public budgeting reform, zero-based budgeting, and cloud computing as a service published in Scopus-indexed journals between 1976 and 2022. The study design is shown in the following figure.

STUDY DESIGN

To illustrate the current condition of the intellectual structure and growing trends of a public budgeting reform, zero-based budgeting, and cloud computing as a service, bibliometric analysis methodologies fall into two categories: (1) performance analysis and (2) scientific mapping. performance analysis is common practice in to present the performance of various research constituents such as authors, institutions, countries, and journals in the field, whereas science mapping primarily focuses on the connections between research constituents (Donthu et al., 2021). The methods for performance analysis and science mapping, which are depicted in Fig. 1, are discussed in more detail in the following subsections.

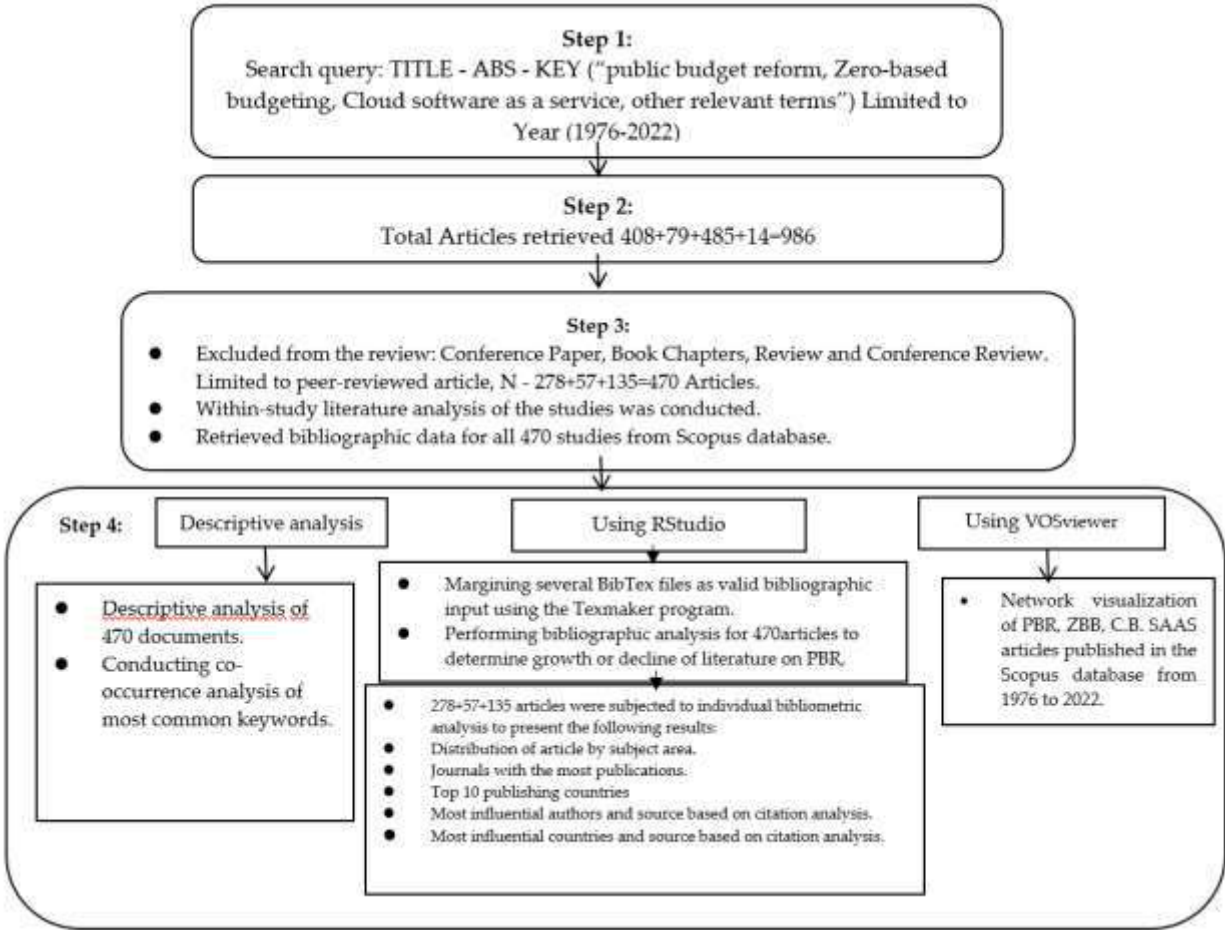


FIGURE 1: Design of the Study

METHODS AND MATERIALS

This study used descriptive and bibliometric analysis, collecting data from the Scopus database. In order to obtain meaningful results of the trends on the specific topics being researched, the keywords used in the query are crucial. As for this study, the keywords for the title, abstract, and author search function were "public budget reform", "zero-based budgeting", "cloud software as a service", and other relevant terms. The next stage, was downloading the 470 articles, which had been chosen for their relevancy, from the Scopus database and analysing them. BibTeX and CSV files were downloaded according to the bibliometric software used.

In ensuring consistency with regards to keywords that occasionally appeared in the singular or plural, abbreviations, or other forms, the data were also standardized. RStudio and VOSviewer were used to analyse the collected data. Additionally, the search was restricted to only include publications from the previous 40 years (1976–2022).

The analysis identified 470 articles in this phase. The topics covered under public budget reform are cost control, budget efficiency, program's effectiveness, anti-corruption, financial integrity, allocation efficiency, accounting and information management reporting, fiscal transparency, performance budgeting, shifting the emphasis from inputs to outputs and outcomes, strengthening accountability, enforcing aggregate fiscal discipline, and new budgeting techniques. The topics discussed under zero-based budgeting include improving output-oriented budgeting systems, performance-driven, justifying all expenses, optimizing costs, promoting cost-benefit analysis, prioritizing resource allocation efficiency, strengthening strategic growth, encouraging management to run operations effectively, and improving transparency and rationalization. Real-time reporting, increased stakeholder transparency and engagement, cost-effective access, actionable information for data-driven decision-making, user-friendly, collaborative features, eliminating Excel spreadsheets from the budgeting process, and integrated budgeting best practices are some of the topics covered in the discourse on cloud software as a service.

The terms used in public budget reform research included "public budget reform," "cost control," "efficiency," "effectiveness," "anti-corruption," "integrity," "accounting and information," "transparency," "performance budgeting," "output and outcomes," "accountability," "discipline," and "analysis", while the terms rarely used in the study were accrual accounting and decentralized fiscal system.

The terms "zero-based budgeting," "optimizing costs," "allocation efficiency," "cost-benefit analysis", "prioritization," "cutting-edge technology," "transparency," "justification," "accountability," and "analysis" were frequently used in zero-based budgeting research.

In cloud software as service research, the phrases "cloud software as a service," "cost-effective access," "real-time reporting," "cutting-edge technology," "E-Budgeting,"

"Smart Budgeting," "transparency," "accountability," and "analysis" were frequently used.

RESULTS

The least number of publications on public budget reform was recorded in 1980, while the highest number was in 2020. Research on zero-based budgeting was the lowest in 2000, while the highest was in 2021. Finally, 2010 saw the least number of publications on cloud software as a service, while 2018 saw the highest number. Figure 2 shows the publication trend using the keywords "public budget reform", "zero-based budgeting", and "cloud software as a service".

DISCUSSION

Data from Scopus were collected to examine publishing patterns and journal performance and perform content analysis and bibliometric coupling of nations and sources for research on public budgeting reform, zero-based budgeting, and cloud software as service. Furthermore, the study focused on zero-based budgeting and cloud software as a service as recent reforms in public budgeting. The study has reported the current state of public budgeting reform publications in various fields of study. The Scopus database had a total of 470 published research. The data suggest how quickly articles were published and how eagerly specialists have examined important breakthroughs in public budgeting reform, such as cloud computing and zero-based budgeting.

There are some common themes between zero-based budgeting, cloud software as a service, and public budgeting reform, such as their contributions to improving the government's budgeting system effectiveness, transparency, accountability, real-time reporting, increased stakeholder engagement, cost-effective access, and actionable information for data-driven decision making. However, throughout the past 40 years, little attention has been given to investigate the connection and integration between public budgeting reform, zero-based budgeting, and cloud software as a service globally.

The results showed that the United States was the most productive and influential country in terms of publications on public budgeting reform and zero-based budgeting, followed by the United Kingdom, Australia, and the United Arab Emirates. The United States was likewise the most productive in cloud software as service research, followed by India. The current analysis was limited because the study only included articles from the Scopus database and not any other sources, like Web of Science or PubMed Central.

Finally, other measures in RStudio and VOSviewer, for example co-citation or co-authorship, were not used in the study. To present a more comprehensive picture of public budgeting reforms initiatives, further bibliometric research on this subject should include other databases and subject areas and carry out richer analysis.

CONCLUSION

In summary, this paper has shown how bibliometric analysis as a scientific tool can be helpful for both experienced and new scholars who intend to explore the rich and varied themes in public budgeting reform research. Global research on public budget reform in general, and zero-based budgeting and cloud software as a service in particular, has significantly increased during the past four decades. Technological initiatives have gained increased attention in public budget reform, according to the current and future relationships between cloud software as a service and zero-based budgeting. They are considered as an effective tool for strengthening institutions. Ensuring the rights of the citizenry to participate and monitor increasing public budgeting transparency and managing the linkages between the budget and the reform may all be achieved by integrating modern budgeting methodologies with cutting-edge technology. Furthermore, there are great opportunities to advance discussion on cloud software as a service integration with zero-based budgeting as administrative and technological innovation. Such discourse may take place in social science journals that are concerned with fostering public budget reforms for the enhancement of public financial management.

REFERENCES

- Adamkó. (2017). Methodology for clinical integration of E-health sensor-based smart device technology with cloud architecture. *Pollack Periodica*, 12(1), 69–80. <https://doi.org/10.1556/606.2017.12.1.6>
- Ahmad, W., Rasool, A., Javed, A. R., Baker, T., & Jalil, Z. (2022). Cyber security in IoT-based cloud computing: A comprehensive survey. *Electronics (Switzerland)*, 11(1). <https://doi.org/10.3390/electronics11010016>
- Donthu, N., Kumar, S., Mukherjee, D., Pandey, N., & Marc, W. (2021). How to conduct a bibliometric analysis : An overview and guidelines. *Journal of Business Research*, 133(May), 285–296. <https://doi.org/10.1016/j.jbusres.2021.04.070>
- Doshmangir. (2021). New financial management system for Iran public health sector: A qualitative study. *Journal of Education and Health Promotion*, 10(1). https://doi.org/10.4103/jehp.jehp_1201_20
- Ellegaard, O., & Wallin, J. A. (2015). The bibliometric analysis of scholarly production : How great is the impact? *Scientometrics*, 105(3), 1809–1831. <https://doi.org/10.1007/s11192-015-1645-z>
- Feyzabadi, V. Y., Dehnavieh, R., Komsari, S., & Mehrolihasani, M. H. (2013). Self-assessment by using EFQM excellence model: A case of hospital reorganization reform in Iran. *Middle East Journal of Scientific Research*, 16(1), 127–134. <https://doi.org/10.5829/idosi.mejsr.2013.16.01.11632>
- Flamholtz, E. G. (1980). The process of measurement in managerial accounting: A psycho-technical systems perspective. *Accounting, Organizations and Society*, 5(1), 31–42. [https://doi.org/10.1016/0361-3682\(80\)90019-7](https://doi.org/10.1016/0361-3682(80)90019-7)
- Kasdin, S., & Kasdin, S. (2016). *An Evaluation Framework for Budget Reforms : A Guide for Assessing Public Budget Systems and Selecting Budget Process Reforms*. 0692(April). <https://doi.org/10.1080/01900692.2015.1077462>
- Linn, M. (2007). Budget systems used in allocating resources to libraries. *Bottom Line*, 20(1), 20–29. <https://doi.org/10.1108/08880450710747425>

- Malia Tc Dickson Gw. (1970). Management problems unique to on- line real- time systems. *AFIPS Conf Proc, Fall Jt Comput Conf*, 37, 569–579.
- Moral-muñoz, J. A., Herrera-viedma, E., Santisteban-espejo, A., Cobo, M. J., Herrera-viedma, E., Santisteban-espejo, A., & Cobo, M. J. (2020). *Software tools for conducting bibliometric analysis in science : An up- to-date review*. 1–20.
- Patra, S. K., Bhattacharya, P., & Verma, N. (2006). *Bibliometric Study of Literature on Bibliometrics*. 26(1), 27–32.
- Saravanan, G., & Dominic, J. (2014). *A Ten-year Bibliometric Analysis of Research Trends in Three Leading Ecology A Ten-year Bibliometric Analysis of Research Trends in Three Leading Ecology Journals during 2003-2012*. July. <https://doi.org/10.1633/JISTaP.2014.2.3.4>
- Wetherbe, J. C., & Montanari, J. R. (1981). Zero based budgeting in the planning process. *Strategic Management Journal*, 2(1), 1–14. <https://doi.org/10.1002/smj.4250020102>

THE IMPACTS OF SOCIAL MARKETING ON THE BEHAVIOUR OF THE EMIRATI CITIZEN DURING THE CORONAVIRUS PANDEMIC

Ali Ahmed Rashed Alkaabiⁱ & Nuradli Ridzwan Shah Mohd Daliⁱⁱ

ⁱ (*Corresponding author*). Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. barchaali@gmail.com

ⁱⁱ PM Dr., Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. nuradli@usim.edu.my

Abstract

Social marketing is an important concept that influences the behaviour of individuals and changes their habits, based on evidence and marketing campaigns targeting people in order to raise awareness and improve the course of their behaviour for the better. This study aims to clarify the impact of social marketing on the behaviour of the Emirati citizen in light of the events of the spread of the Corona virus, based on the study and comparison of previous scientific studies that showed that social marketing influences the behaviour of individuals. Through the extent of benefit from marketing campaigns, and in light of the spread of this epidemic, there are some habits that the Emirati citizen needs to modify. The study recommended decision makers in UAE to employ social marketing in all its dimensions to influence the behaviour of the Emirati citizen to adhere to the new instructions that reduce the risk of the spread of this deadly disease and to dispense with some traditional behaviours that contradict the recommendations of the World Health Organization regarding the behaviour of individuals with each other, relying on broadcasting Social marketing campaigns that combine traditional and modern methods to include all segments of Emirati society.

Keywords: Social Marketing, Consumer Behaviour, COVID-19, UAE, Corona Virus

INTRODUCTION

Social marketing plays an important role in our lives as it contributes to influencing daily social events and social marketing depends on the evidence proven to persuade

people so it has become an important marketing concept in the community (Kotler & Zaltman, 1971). When delving deeper to social marketing concept will find that it depends on the promotion of a specific idea to specific group until a problem is resolved, one of the difficulties that can be faced in social marketing is that some people think that it interferes with their privacy, especially if the purpose of it is to change a certain behaviour or habit they have and this difficulty increases if these habits are inherited. The liability of Social marketing publishing goodness and awareness and deals with the behaviour of individuals (Andreasen, 1994). All companies are interested in the behaviour of consumers, as it gives them an indication of the desires and interests of individuals in a positive or negative way, and on this there is a close relationship between the behaviour and social marketing where the mental image is a mental perception of individuals towards a certain matter (Brønn, 2011; Calvert, 2008). The great development in the media and communication channels has become a major impact on individuals in various ways that can modify the mental image of individuals in any possible negative or positive direction (Alghizzawi, 2019b, 2019a; Habes et al., 2018) as well here we see the role and the great importance of social marketing by controlling these media in the event of a negative path so that It improves the mental image of individuals Improve their behaviour and influence them, being the traditional ways will not help In light of the great development and many influences that people are exposed to And there many bad behaviours that need to be corrected (Alnaser et al., 2020). With the spread of the killer virus there are many behaviours among individuals that must be modified and we in the Emirati society have some inherited habits that conflict with these instructions issued by the World Health Organization so in this study we need to employ social marketing to influence the behaviour of the Emirati citizen in light of the Corona health crisis until We guarantee its safety and adherence to the instructions.

LITERATURE REVIEW

Social Marketing People participate in many things, not just behaviour. It addresses the soul of the audience, so it generates a new way of thinking and creative ideas among individuals. These ideas help to modify behaviour. Social marketing provides us with fuel that helps society to be healthier and happier (Andreasen, 1993). Social marketing

has proven its effective role by influencing the behaviour of individuals in all fields. Even if this campaign is unacceptable to individuals, but it will affect them, so it is important to translate social marketing into influential creative ideas, and social marketing can be used to limit and motivate to modify consumer behaviour in a way that attracts them to this behaviour, and here lies the importance of social marketing to the various sectors (Peattie & Peattie, 2009). Social marketing plays an effective role for residents and societies, when a campaign with effective content is directed that will transform consumer behaviour and help it to adopt behaviour as well, especially in trying to fight a certain habit such as smoking, so it is important to ensure that social marketing is a major influence on consumer behaviour and awareness, One of the important basics to be adopted when starting a social marketing campaign must be to draw some stories that address the reality of the public and that this campaign be multifarious so as to include traditional media and modern (Evans & McCormack, 2008). Activating self-interpretation among individuals is very important through social marketing, and this has become easier through modern technology, as it provides pictures and videos, and marketers have to decide when they target their campaign. There will be a major change in consumer behaviour and intentions (N. R. Lee & Kotler, 2019; S. Lee & Pounders, 2019). By relying on (Kennedy, 2016) study, he emphasizes that social marketing is a change in the norms surrounding a specific issue in order to affect the behaviour of individuals to modify a specific system. Companies that adopt the concept of social marketing provide services to society, so it is important that there be interest in this concept because it promotes social responsibility, Social marketing is a responsibility that must be shared by everyone, so all decision-makers must be included in all areas (Hashem saed, 2007). Social marketing relies on theories of behaviour and persuasion to achieve change and modification in the habits of individuals. Figure 1 shows whenever people are exposed to messages and social marketing campaigns increases the effect on their behaviour (Evans, 2006).



Figure 1 Social Marketing Framework. Source: (Evans, 2006)

Social Marketing

The concept of social marketing emerged in 1972 and it is a group of efforts directed towards changing behaviour for the better to enhance the environment. Social marketing focuses on individual behaviour and principles of marketing and the delivery of benefit to society and the desired goals of individuals (N. R. Lee & Kotler, 2011). Social marketing is used to achieve good and positivity, and the main point of it is changing behaviour so that it changes attitudes and ideas to be successful (Andreasen, 1994). From the point of view of marketers, achieving satisfaction individuals is through managing expectations and raising the level of service or commodity provided to customers. Therefore, expectations become realistic through sustainability and social marketing campaigns to create value of levels for individuals greater. dependence on social marketing to Reducing certain behaviour, social marketing success in solving many Of the behaviours of individuals in the world, especially in the health sector (Al-Shibly et al., 2019; Alhawamdeh et al., 2020; Peattie & Peattie, 2009) Based on (Stead et al., 2007) study, he emphasized that social marketing is effective in restraining individuals from certain behaviours, especially in unhealthy behaviours such as drug use or smoking. The intellectual and electronic development of individuals has become a challenge for social marketing all over the world and in all fields so it is necessary to share information and experience in order to facilitate the process of changing the behaviour of individuals and achieve innovation, especially in

the health field in the prevention of many diseases products and services to address public health needs (Lefebvre, 2011). It is necessary for social marketers to understand the problem in order to determine the main point that must be focused on in the marketing campaign and so that there is no bias (Wymer, 2011). Many sectors depend on technology and on marketing and its fields to achieve benefit and social marketing achieve great benefit in the changing habits in societies (N. R. Lee & Kotler, 2019; Walsh et al., 1993). In Figure 2, it shows the important stages in social marketing, as the last stage returns to the first stage, which makes this wheel continue to spin.

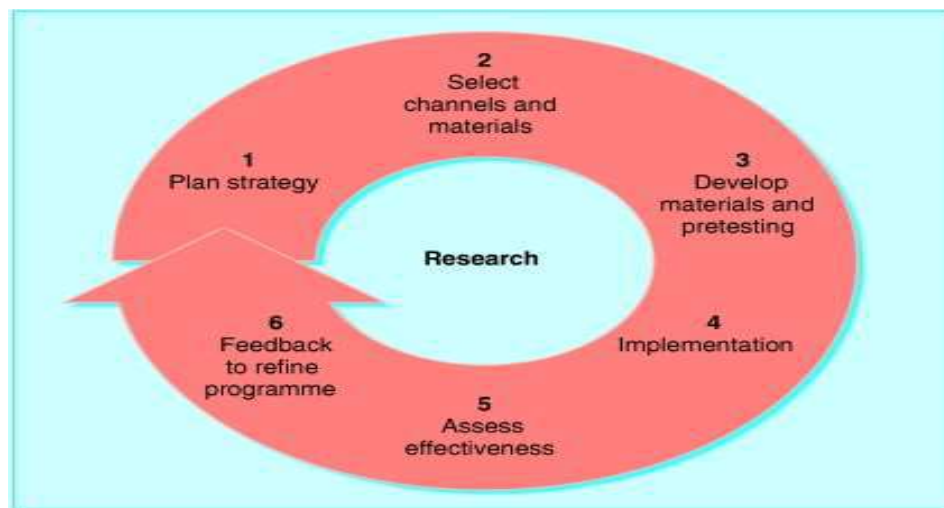


Figure 2 Wheel of important stages in social marketing. Source: (Evans, 2006)

Consumer Behaviour

Consumption of services and goods is a basic and daily requirement for all individuals, and the provision of these services and goods is through organizations, so the concept of consumer behaviour is important for everyone so that consumption is made by his wisdom and for decision-makers in organizations to be familiar with the requirements of the public, Significant amounts of money are spent from decision makers until they have access to important information about consumer behaviour (Hawkins & Mothersbaugh, 2010; Samar et al., 2021) With the development of modern technology, there is a great awareness among individuals about consumer behaviour, and also

organizations are able to access consumer information (Dorokhova & Dorokhov, 2019; Salloum et al., 2021). Consumer behaviour is all purchasing decisions that an individual makes towards goods or services, and this decision-making process is affected by many factors this increases the importance of consumer behaviour (Stoica et al., 2017). Consumer behaviour includes the individual's response to stimuli he or she is exposed to that reinforce his behaviour (Foxall, 2016). Consumer behaviour is also associated with psychology, and this behaviour is associated with individuals and with organizations and with how to make purchasing decisions before and after purchase. These decisions are influenced by many factors before they are taken, so attention must be paid to all aspects of the purchasing decision of people, as any behaviour is the result of a decision and the presence of available alternatives It creates challenges in decision-making, so consumer behaviour goes through several stages after being affected by information, needs and desires (Ajzen, 2008; Alghzawi et al., 2020).

Customs of the Emirati Society with COVID-19

Acute pulmonary disease spread in China in the city of Wuhan in the month of 12 of the year 2019, but it was a severe pneumonia that differs from the usual habit so that it has severe symptoms such as high temperature and its effect on the kidneys, stomach in addition to it leads to difficulty breathing and then it leads to death where It turned out to be a new coronavirus, which called on the Chinese government to set up a stone area and hospital within 10 days aim to besiege this disease, its being spreading easily and rapidly, and it threatens China in general (Wong et al., 2020). Then the spread started in the world, and there are numbers of deaths spread worldwide, which prompted the world to start fear of it and prepare to face it, by starting studies and exchanging information and experiences between countries and showing the most important factors capable of eliminating this disease is the ability to fight the spread (Zu et al., 2020). Most countries made the decision to curfew to prevent the spread of the disease and the ability to control it, which led to great damage in various economic, political and scientific fields. Life stopped with this dangerous virus (Liu et al., 2020). It turns out that the incubation period for this virus may exceed 14 days, which means that it is possible for the infected person to have no symptoms and be infectious to others, which prompted the World Health Organization and countries to circulate instructions that ensure the safety for people from transmission of infection by communication(Peng et al., 2020). The new prevention methods by using plastic paws and not touching any

surfaces or any persons in addition to wearing masks to prevent the transmission of infection with the air, with the necessity of using medical sterilizers and not mixing and gathering with others and leaving a distance of at least one meter between each person(Huh, 2020; Organization, 2020).

Emirati society is close to Arab societies that are distinguished by some customs that are not present in the western world, its source of pride that they inherited from their grandparents is positivity and love for people, as most of these customs have a very close connection between people in addition to peace with kissing and drinking coffee from one cup to all Guests and gathering with family and family members on a daily or weekly basis, eating group food from one bowl, permanent exit, mixing with people greatly, and receiving guests and visits permanently. IN addition to gathering in large numbers for happy and sad occasions (Al-Ramahi, 2008; Fischbach, 2000; Tarawneh, 2000). These Kindness habits may cause danger to Emirati citizens in light of the prevalence of COVID-19.

CONCLUSION

The behaviour of individuals is related in many things and is affected by many details. The behaviour of individuals passes in many stages and is closely related with psychology, but it also has a significant impact on many areas of life and hence the importance lies in following up the behaviour of individuals in society and a directive of behaviour to positive altitude, Social marketing plays an effective role in influencing the behaviour of individuals so that it changes it from negative to positive behaviour, Social marketing is interested in spreading good and positive trend in societies and helps to overcome some habits of individuals (Ajzen, 2008; Alghizzawi, 2019b; Andreasen, 1993, 1994; Foxall, 2016; N. R. Lee & Kotler, 2019; S. Lee & Pounders, 2019; Lefebvre, 2011; Peattie & Peattie, 2009). Until now, no treatment or vaccine has been discovered for the Coronavirus. This disease is spreading widely in all worldwide. It is important for the current period to follow instructions that help not to spread this virus (Cavanagh, 2007; Huh, 2020; Lai et al., 2020; Li et al., 2020; Liu et al., 2020; Organization, 2020; Peeri et al., 2020; van der Hoek et al., 2004; Wang et al., 2020; Zu et al., 2020). Emirati society has inherited traditional eastern customs that affect the behaviour of individuals, as these behaviours need to be modified in proportion to this new virus (Fischbach, 2000; Tarawneh, 2000).

RECOMMENDATION

Depending on the review of previous studies that examined the topic of the relationship between social marketing and consumer behaviour and the effectiveness of social marketing in modifying the behaviour and habits of individuals, decision-makers (Ministry of Health and Information) in UAE , must employ social marketing in all its dimensions to influence in the behaviour of the Emirati citizen to adhere to the new instructions that limit It is dangerous to spread this deadly disease and dispense with some traditional behaviours that contradict the recommendations of the World Health Organization regarding the behaviour of individuals with each other. It is necessary for the Emirati Ministry of Information to rely on broadcasting social marketing campaigns in the country that it combines traditional and modern methods to include all the slides of Emirati society, social marketing campaigns must be intense in order to rapidly affect Emirati citizens in addition the importance to study of the responses and the actions, so that there is effective content provided to the public to achieve the desired results.

REFERENCE

- Ajzen, I. (2008). Consumer attitudes and behavior. *Handbook of Consumer Psychology, 1*, 525–548.
- Al-Ramahi, A. (2008). Wasta in Jordan: a distinct feature of (and benefit for) Middle Eastern society. *Arab Law Quarterly*, 35–62.
- Al-Shibly, M. S., Alghizzawi, M., Habes, M., & Salloum, S. A. (2019). The Impact of De-marketing in Reducing Jordanian Youth Consumption of Energy Drinks. *International Conference on Advanced Intelligent Systems and Informatics*, 427–437.
- Alghizzawi, M. (2019a). A survey of the role of social media platforms in viral marketing: The influence of eWOM. *International Journal of Information Technology and Language Studies*, 3(2).
- Alghizzawi, M. (2019b). The role of digital marketing in consumer behavior: A survey. *International Journal of Information Technology and Language Studies*, 3(1).
- Alghzawi, M., Alghizzawi, M., & Tarabieh, S. (2020). Consumer impulsive buying behavior of services sector in Jordan. *JournalNX-A Multidisciplinary Peer Reviewed Journal*, 6(7), 227–237.

- Alhawamdeh, A. K., Alghizzaw, M., Habes, M., & Alshibly, M. S. (2020). *The Relationship Between Media Marketing Advertising and Encouraging Jordanian Women to Conduct Early Detection of Breast Cancer*.
- Alnaser, A. S., Habes, M., Alghizzawi, M., & Ali, S. (2020). The Relation among Marketing ads, via Digital Media and mitigate (COVID-19) pandemic in Jordan The Relationship between Social Media and Academic Performance: Facebook Perspective View project Healthcare challenges during COVID-19 pandemic View project. *Dspace.Urbe.University, July*.
- Andreasen, A. R. (1993). Presidential address a social marketing research agenda for consumer behavior researchers. *ACR North American Advances*.
- Andreasen, A. R. (1994). Social marketing: Its definition and domain. *Journal of Public Policy & Marketing, 13*(1), 108–114.
- Brønn, P. S. (2011). Marketing and corporate social responsibility. *The Handbook of Communication and Corporate Social Responsibility, 110–127*.
- Calvert, S. L. (2008). Children as consumers: Advertising and marketing. *The Future of Children, 205–234*.
- Cavanagh, D. (2007). Coronavirus avian infectious bronchitis virus. *Veterinary Research, 38*(2), 281–297.
- Dorokhova, L., & Dorokhov, O. (2019). COMPUTER CONSUMER BEHAVIOR MODELING: MULTICRITERIA MODEL FOR CHOOSING IONIZERS. *Bulletin of the Transilvania University of Brasov, Series III: Mathematics, Informatics, Physics, 12*(1).
- Evans, W. D. (2006). How social marketing works in health care. *Bmj, 332*(7551), 1207–1210.
- Evans, W. D., & McCormack, L. (2008). Applying social marketing in health care: communicating evidence to change consumer behavior. *Medical Decision Making, 28*(5), 781–792.
- Fischbach, M. R. (2000). *State, society, and land in Jordan* (Vol. 75). Brill.
- Foxall, G. R. (2016). Consumer choice as behavior. In *Perspectives on Consumer Choice* (pp. 51–85). Springer.

- Habes, M., Salloum, S. A., Alghizzawi, M., & Alshibly, M. S. (2018). The role of modern media technology in improving collaborative learning of students in Jordanian universities. *International Journal of Information Technology and Language Studies*, 2(3).
- Hashem saed. (2007). *The extent to which companies providing telephone service in Jordan adopt the concept of social marketing*. yarmouk university.
- Hawkins, D. I., & Mothersbaugh, D. L. (2010). *Consumer behavior: Building marketing strategy*. Boston: McGraw-Hill Irwin.
- Huh, S. (2020). How to train the health personnel for protecting themselves from novel coronavirus (COVID-19) infection during their patient or suspected case care. *Journal of Educational Evaluation for Health Professions*, 17, 10.
- Kennedy, A.-M. (2016). Macro-social marketing. *Journal of Macromarketing*, 36(3), 354–365.
- Kotler, P., & Zaltman, G. (1971). Social marketing: an approach to planned social change. *The Journal of Marketing*, 3–12.
- Lai, C.-C., Shih, T.-P., Ko, W.-C., Tang, H.-J., & Hsueh, P.-R. (2020). Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and corona virus disease-2019 (COVID-19): the epidemic and the challenges. *International Journal of Antimicrobial Agents*, 105924.
- Lee, N. R., & Kotler, P. (2011). *Social marketing: Influencing behaviors for good*. Sage Publications.
- Lee, N. R., & Kotler, P. (2019). *Social marketing: behavior change for social good*. SAGE Publications.
- Lee, S., & Pounders, K. R. (2019). Intrinsic versus extrinsic goals: The role of self-construal in understanding consumer response to goal framing in social marketing. *Journal of Business Research*, 94, 99–112.
- Lefebvre, R. C. (2011). An integrative model for social marketing. *Journal of Social Marketing*.
- Li, Q., Guan, X., Wu, P., Wang, X., Zhou, L., Tong, Y., Ren, R., Leung, K. S. M., Lau, E. H. Y., & Wong, J. Y. (2020). Early transmission dynamics in Wuhan, China, of novel coronavirus-infected pneumonia. *New England Journal of Medicine*.

- Liu, Y., Gayle, A. A., Wilder-Smith, A., & Rocklöv, J. (2020). The reproductive number of COVID-19 is higher compared to SARS coronavirus. *Journal of Travel Medicine*.
- Organization, W. H. (2020). *Coronavirus disease 2019 (COVID-19): situation report, 51*.
- Peattie, K., & Peattie, S. (2009). Social marketing: A pathway to consumption reduction? *Journal of Business Research*, 62(2), 260–268.
- Peeri, N. C., Shrestha, N., Rahman, M. S., Zaki, R., Tan, Z., Bibi, S., Baghbanzadeh, M., Aghamohammadi, N., Zhang, W., & Haque, U. (2020). The SARS, MERS and novel coronavirus (COVID-19) epidemics, the newest and biggest global health threats: what lessons have we learned? *International Journal of Epidemiology*.
- Peng, L., Yang, W., Zhang, D., Zhuge, C., & Hong, L. (2020). Epidemic analysis of COVID-19 in China by dynamical modeling. *ArXiv Preprint ArXiv:2002.06563*.
- Salloum, S. A., Al-Emran, M., Habes, M., Alghizzawi, M., Ghani, M. A., & Shaalan, K. (2021). What Impacts the Acceptance of E-learning Through Social Media? An Empirical Study. *Recent Advances in Technology Acceptance Models and Theories*, 419–431.
- Samar, R., Mustafa, O. M. M., Malek, A., & Mahmoud, A. (2021). The post-adoption behavior of internet banking users through the eyes of self-determination theory and expectation confirmation model. In *Journal of Enterprise Information Management: Vol. ahead-of-p* (Issue ahead-of-print). <https://doi.org/10.1108/JEIM-04-2020-0156>
- Stead, M., Gordon, R., Angus, K., & McDermott, L. (2007). A systematic review of social marketing effectiveness. *Health Education*.
- Stoica, L. C., Cristescu, M. P., & Stancu, A.-M. R. (2017). RELATIONSHIP BETWEEN CONSUMER BEHAVIOR AND MARKETING STRATEGIES. *Knowledge Horizons. Economics*, 9(4), 79–83.
- Tarawneh, M. (2000). *House Form and Cultural Identity: The Case of Bedouin Housing in Southern Jordan*. McGill University Libraries.
- van der Hoek, L., Pyrc, K., Jebbink, M. F., Vermeulen-Oost, W., Berkhout, R. J. M., Wolthers, K. C., Wertheim-van Dillen, P. M. E., Kaandorp, J., Spaargaren, J., & Berkhout, B. (2004). Identification of a new human coronavirus. *Nature Medicine*, 10(4), 368–373.

- Walsh, D. C., Rudd, R. E., Moeykens, B. A., & Moloney, T. W. (1993). Social marketing for public health. *Health Affairs*, 12(2), 104–119.
- Wang, C., Horby, P. W., Hayden, F. G., & Gao, G. F. (2020). A novel coronavirus outbreak of global health concern. *The Lancet*, 395(10223), 470–473.
- Wong, J. E. L., Leo, Y. S., & Tan, C. C. (2020). COVID-19 in Singapore—current experience: critical global issues that require attention and action. *JAMA*.
- Wymer, W. (2011). Developing more effective social marketing strategies. *Journal of Social Marketing*.
- Zu, Z. Y., Jiang, M. Di, Xu, P. P., Chen, W., Ni, Q. Q., Lu, G. M., & Zhang, L. J. (2020). Coronavirus disease 2019 (COVID-19): a perspective from China. *Radiology*, 200490.

DETERMINANT FACTORS FOR PAYING ZAKAT FITRAH VIA FINTECH

Aman Shah bin Siraj ⁱ, Mohd Faisol Ibrahim ⁱⁱ & Nuradli Ridzwan Shah Mohd Dali ⁱⁱⁱ

ⁱ (*Corresponding author*). Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia.
amanshah@raudah.usim.edu.my

ⁱⁱ Lecturer, Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. faisol@usim.edu.my

ⁱⁱⁱ PM Dr. Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. nuradli@usim.edu.my

Abstract

Under Malaysia Digital Economic Blueprint, bringing Malaysians to adopt financial technology (FinTech) becomes one of the agendas of achieving regional champions of the digital economy. This quantitative study brings a small contribution to the nation by getting feedback from the public on their perception towards paying Zakat Fitrah via FinTech. The Unified Theory of Acceptance and Use of Technology (UTAUT) model was applied as the underpinning theory for realising the determining factors. 444 respondents among civil servants in Putrajaya were answering the online survey questionnaire. In the end, performance expectancy is the only exogenous that is significant and correlate with the behavioural intention as the endogenous.

Keywords: *Zakat Fitrah, UTAUT Model, FinTech*

INTRODUCTION

This paper reports the finding of survey research examining the acceptance of paying *Zakat Fitrah* digitally among civil servants in Putrajaya by using the UTAUT model (Aman Shah, Mohd Faisol, & Nuradli Ridzwan Shah, 2020). Based on previous quantitative or qualitative studies, Muslims including Malaysians are started to embrace Islamic FinTech.

Discovering determining factors that attract Malaysians to use digital is a leapfrog to bring them into adopting the technology (Shifa et al.,2021). Hence, under Malaysia Digital Economic Blueprint, Malaysia targets to become gigantic in the regional digital economy (Economic Planning Unit Department, 2021). As *Zakat Fitrah* needs a smooth and expedited mechanism of collection and distribution within Ramadhan, technology may become vital to assist the operation (Ronny Mahmuddin et

al., 2020; Tafsiiruddin, 2020). Knowing how is responsible for the government to provide the infrastructure and enablers but discovering why may become collective efforts to get feedback from the public.

Therefore getting a reply from the users will assist the Fintech operators and *Zakat* institutions in what is important to improvise the mechanism (Aman Shah et al., 2020). The related determinant factors must have prevailed. Past scholars like Shifa et al. (2021), Saeed Awadh (2021) and Alkhaldi & Qasem (2019) have proved that the UTAUT model by Venkatesh et al. (2003) can become a good predictor of getting the determinant factors. Do the constructs which are performance expectancy (PE), effort expectancy (EE), social influence (SI) and facilitating conditions (FC) relevant to gauge behavioural intention (BI) from Malaysian towards applying FinTech?

Shifa et al. (2021), Saeed Awadh (2021) and Alkhaldi & Qasem (2019) define BI within a similar context as the involvement of effort, motivation, planning and actual behaviour by new FinTech users that appealing them to adopt. Hassanudin et al. (2021) explained that PE is the user's hope that new technology will improve the performance of time and efficiency. While EE may make new users conveniently try FinTech as it is easy to use (Sabraz et al., 2022). In SI, personal opinion will inspire others to adopt FinTech like mobile banking (Sabraz et al., 2020). The perception of FinTech users towards the ease of access to organizational and technological resources is known as FC (Saeed Awadh, 2021). The exogenous which are PE, EE, SI and FC which can influence BI are related to the divine revelation. According to Sahih Bukhari, Rasullah implied that *"Actions are but by intention and every man shall have but that which he intended"*. Therefore, a research survey was done to test the acceptance towards paying *Zakat Fitrah* digitally.

METHODOLOGY

The quantitative study by survey research was conducted among civil servants in Putrajaya. It was done by using Google Forms, an online survey questionnaire and applying simple random sampling which involved 11 organizations of government. The research instrument is in English with the items covering the background, one dependent variable and four independent variables. As the measurement, all items in variables applied the five-point Likert scale. The data cleaning was done after collecting

the data. Then, it was analysed by using partial least squares structural equation modelling (PLS-SEM). SmartPLS version 4 is the statistical software used to analysed (Ringle, Wende, & Becker, 2022). 444 samples answered the research questionnaire, but only 403 were accepted due to incomplete or miss answered.

RESULTS AND DISCUSSION

First, the demographic profile was revealed. FinTech manages to encourage females and also young adults to contribute to *Zakat Fitrah* as the majority of the respondents are female and aged between 31 to 40 years old. The range of household income between RM5,881 to RM7,100 is the largest group. Only 162 samples lived in Wilayah Persekutuan Putrajaya which also had the same number of respondents who paid their *Zakat Fitrah* into the *Zakat* institutions in Putrajaya.

In terms of 162 respondents who channel their *Zakat Fitrah* to Putrajaya, 99 of the people paid by themselves and 75.3% of the 162 contributors paid for between 2 to 7 family members. The majority of *Zakat Fitrah*'s rate paid by the responders was RM7 per person (66%).

Although more than half of the samples earn a household income of RM5881 onwards and *Zakat* institutions have already applied multiple rates of *Zakat Fitrah* according to the type of rice eating by the contributor, the majority of them paid the lowest rate, RM7 per person. Therefore, more education and promotion on encouraging Muslims to pay a higher rate of *Zakat Fitrah*, especially to the target group who are expected to consume high-grade rice needs to be done by the *Zakat* institutions.

Ironically, the majority of the respondents neither know what is Fintech (53.8%) nor have experience using it (61.3%). The finding may undermine the effort of the government in preparing the best infrastructure for the internet and closing the gap of the digital divide nationwide (Rachel Gong, 2020; Rachel Gong et al., 2021). More interventions, not only by the government but also the FinTech operators to educate Malaysian, both on how to use and also the literate on that technology.

This study applies PLS-SEM to build the model and measure the relationship among variables (Hair et al., 2019). Figure 1 shows the path model of the study which consists of the structural model. Second, the path model needs to be tested on the reflective measurement model and the structural model (Hair et al., 2017).

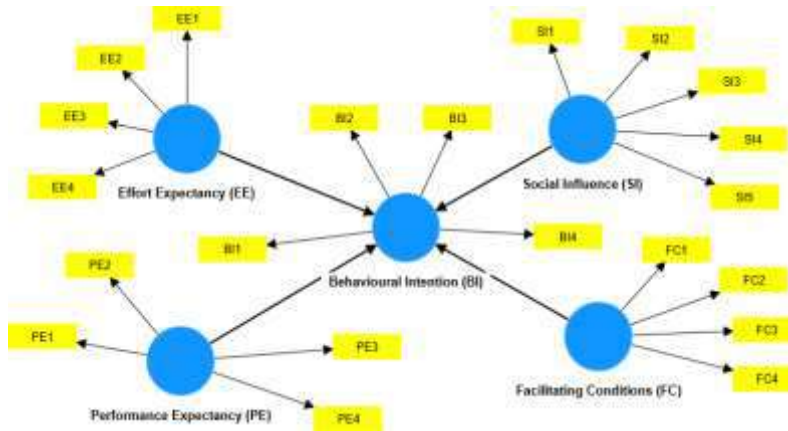


Figure 1: Path Model

The result of this study based on the guideline by Hair et al. (2019) revealed that:

- i. all indicator loadings higher than 0.708, which fulfil the criteria of item or indicator reliability,
- ii. composite reliability (CR) and Cronbach's alpha (α) are higher than 0.7, and the average variance extracted (AVE) is more than 0.5. These indicate both internal consistency reliability and convergent validity are being achieved.
- iii. Heterotrait-monotrait (HTMT) threshold value is not satisfied for constructs Performance Expectancy (PE) -> Effort Expectancy (EE) as it is more than 0.9 as shown in Table 1.

Therefore, the problem needs to be treated by trying and testing deleting low correlation items one by one starting from PE1 to EE1 to EE3 (Henseler, Ringle, & Sarstedt, 2015)

Table 1. Heterotrait-Monotrait Ratio (HTMT)

	Heterotrait-Monotrait Ratio (HTMT)
Effort Expectancy (EE) -> Behavioural Intention (BI)	0.781
Facilitating Conditions (FC) -> Behavioural Intention (BI)	0.678
Facilitating Conditions (FC) -> Effort Expectancy (EE)	0.784
Performance Expectancy (PE) -> Behavioural Intention (BI)	0.824
Performance Expectancy (PE) -> Effort Expectancy (EE)	0.901
Performance Expectancy (PE) -> Facilitating Conditions	0.743

	Heterotrait-Monotrait Ratio (HTMT)
(FC)	
Social Influence (SI) -> Behavioural Intention (BI)	0.603
Social Influence (SI) -> Effort Expectancy (EE)	0.660
Social Influence (SI) -> Facilitating Conditions (FC)	0.737
Social Influence (SI) -> Performance Expectancy (PE)	0.654

The discriminant validity is achieved after deleting the item of EE3 as shown in Table 2. HTMT (Original Sample (O)) is below 0.9 and value 1 is not within the confidence interval (bound between 2.5% to 97.5% of the 95%) (Joseph F. Hair Jr. et al., 2017). Therefore, the path model is reliable and validated, and can proceed to the next assessment of the structural model.

Under assessment of the structural model, the collinearity (VIF) of the structural model must be lower than five which is fulfilled. Table 3 shows that, at a 5% error, the p-value for the path coefficient for *Performance Expectancy (PE) -> Behavioural Intention (BI)* is only lower than 0.05. This indicates that only the construct of PE is significant and correlates with BI. Furthermore, Effect Size (f^2) measures the substantive impact towards omitted particular constructs on the endogenous constructs and needs to be higher than 0.02 and only PE has achieved with medium effect size on BI.

The Coefficient of Determination (R^2) value is 0.623 representing a moderate model's explanatory power. Predictive Relevance (Q^2) is 0.612 which indicates high predictive accuracy of the model toward BI as the endogenous variable. Applying PLSpredict compares the mean absolute error (MAE) for the model and the linear regression model (LM). The finding revealed that the amount of higher value between the two types of error is equalled, indicating medium predictive power.

After all the tests on the path model, it can be decided that the UTAUT model can become a predictor of paying *Zakat Fitrah* digitally. PE is the only determinant factor that is significant and correlates with the BI. This finding is supported by the result produced by Syuhaily & Leng (2020), and R. S. Johar & D. Suhartanto (2019) that PE is the strongest determinant factor relating to the BI.

Table 2. Confidence Intervals Bias Corrected After Treatment

	Original Sample (O)	Sample Mean (M)	Bias	2.5%	97.5%
Effort Expectancy (EE) -> Behavioural Intention (BI)	0.772	0.771	-0.001	0.692	0.832
Facilitating Conditions (FC) -> Behavioural Intention (BI)	0.678	0.678	0.000	0.598	0.748
Facilitating Conditions (FC) -> Effort Expectancy (EE)	0.780	0.779	-0.001	0.725	0.829
Performance Expectancy (PE) -> Behavioural Intention (BI)	0.824	0.824	0.000	0.750	0.875
Performance Expectancy (PE) -> Effort Expectancy (EE)	0.893	0.892	0.000	0.849	0.925
Performance Expectancy (PE) -> Facilitating Conditions (FC)	0.743	0.742	-0.001	0.685	0.793
Social Influence (SI) -> Behavioural Intention (BI)	0.603	0.604	0.000	0.503	0.686
Social Influence (SI) -> Effort Expectancy (EE)	0.655	0.656	0.001	0.569	0.731
Social Influence (SI) -> Facilitating Conditions (FC)	0.737	0.736	0.000	0.656	0.803
Social Influence (SI) -> Performance Expectancy (PE)	0.654	0.655	0.000	0.573	0.725

Table 3. Path Coefficients

	<i>Path Coefficients</i>	<i>t-values</i>	<i>p-values</i>	2.5%	97.5%	<i>Significance (p<0.05)</i>
<i>Effort Expectancy (EE) -> Behavioural Intention (BI)</i>	0.153	1.774	0.076	-0.019	0.314	No
<i>Facilitating Conditions (FC) -> Behavioural Intention (BI)</i>	0.084	1.426	0.154	-0.031	0.202	No
<i>Performance Expectancy (PE) -> Behavioural Intention (BI)</i>	0.529	6.557	0.000	0.375	0.690	Yes
<i>Social Influence (SI) -> Behavioural Intention (BI)</i>	0.082	1.732	0.083	-0.006	0.178	No

Therefore, *Zakat* institutions need to monitor and make sure no hiccups in operation since Muslims will adopt Islamic FinTech is due to the availability of performance of the mechanism. Then, more promotions encourage *Zakat* payers to use FinTech as it makes their life easier. FinTech operators also can discover Muslim's habit of paying which needs a mechanism that is easy to access every time and everywhere.

CONCLUSIONS

Malaysians started to use and adopt FinTech as part of their routines, even in compulsory religious transactions like *Zakat Fitrah*. The study reveals that the UTAUT model can be a predictor in Islamic FinTech and PLS-SEM fit to test the hypotheses. The finding shows that performance expectancy is only the determinant factor attracting Muslims in Putrajaya to pay *Zakat Fitrah* digitally. While, effort expectancy, social influence and facilitating conditions are not influencing the behavioural intention of the samples.

There is a limitation in the variety of determinant factors, which needs to be explored by future scholars like introducing the mediating factors. Putrajaya as a

location and civil servants as the population is limiting the phenomena of the study. Other locations like in a rural area and other types of samples like university students may bring a different result. Executing multiple research projects on this topic including with a different context like studying the *Zakat of Mal* instead of *Zakat Fitrah* will bring generalisability. Hence, it will help the government to measure the acceptance level of Malaysians on using FinTech and encourage FinTech operators to offer more services based on Islamic centric.

REFERENCES

- Alkhalidi, A. N., & Qasem M. Kharma. (2019). Customer's Intention To Adopt Mobile Banking Services: The Moderating Influence Of Demographic Factors. *International Journal of Innovation and Technology Management*, 17(1).
<https://doi.org/10.1142/S0219877019500378>
- Aman Shah, S., Mohd Faisol, I., & Nuradli Ridzwan Shah, M. D. (2020). Engineering Of Zakat Fitrah's Collection Via Finance Technology (Fintech). In S. R. Mat, S. Azhari, M. A. M. Mohamad Samsudin, R. Ahmad, A. K. Mohamed, H. 'Azeemi Abdullah Thaidi, ... N. R. S. Mohd Dali (Eds.), *3rd International Seminar On Islam And Science 2020 (SAIS 2020)* (pp. 847–852). Nilai, Negeri Sembilan: USIM Press, USIM, Nilai.
- Bin-Nashwan, S. A. (2022). Toward diffusion of e-Zakat initiatives amid the COVID-19 crisis and beyond. *Foresight*, 24(2), 141–158. <https://doi.org/10.1108/FS-08-2020-0082>
- Economic Planning Unit Department. (2021). Malaysia Digital Economy Blueprint. In *Economic Planning Unit Prime Minister's Department*. Putrajaya.
- Hair, J. F., Hult, G. T. M., Ringle, C. M., & Sarstedt, M. (2017). *A Premier On Partial Least Squares Structural Equation Modeling (PLS-SEM)* (2nd ed.). Los Angeles: SAGE Publications, Inc.
- Hair, J. F., Risher, J. J., Sarstedt, M., & Ringle, C. M. (2019). When To Use And How To Report The Results Of PLS-SEM. *European Business Review*, 31(1), 2–24.
<https://doi.org/10.1108/EBR-11-2018-0203>
- Hassanudin Mohd Thas Thaker, Mohamed Asmy Mohd Thas Thaker, Ahmad Khaliq, & Anwar Allah Pitchay. (2021). Behavioural Intention And Adoption Of Internet Banking Among Clients' Of Islamic Banks In Malaysia: An Analysis Using UTAUT2. *Journal of Islamic Marketing*. <https://doi.org/10.1108/JIMA-11-2019-0228>

- Henseler, J., Ringle, C. M., & Sarstedt, M. (2015). A New Criterion for Assessing Discriminant Validity in Variance-based Structural Equation Modeling. *Journal of Academy of Marketing Science*, 43(December 2016), 115–135.
<https://doi.org/10.1007/s11747-014-0403-8>
- R. S. Johar, & D. Suhartanto. (2019). The Adoption of Online Internet Banking in Islamic Banking Industry. *IOP Conference Series: Materials Science and Engineering*, 662(3).
<https://doi.org/10.1088/1757-899X/662/3/032032>
- Rachel Gong. (2020). Digital Inclusion: Assessing Meaningful Internet Connectivity in Malaysia. In *KRI Discussion Paper* (Vol. 11). Retrieved from www.KRIInstitute.org.
- Rachel Gong, Amos Tong, Ashraf Shaharudin, Claire Lim, & Emir Izat Abdul Rashid, Gregory Ho Wai Son, Hui San Chiam, M. N. K. S. C. and T. Z. G. (2021). *#NetworkedNation: Navigating Challenges, Realising Opportunities of Digital Transformation*. Kuala Lumpur.
- Ringle, C. M., Wende, S., & Becker, J.-M. (2022). *SmartPLS 4*. Boenningstedt: SmartPLS 4.
- Ronny Mahmuddin, Irsyad Rafi, Khaerul Aqbar, & Azwar Iskandar. (2020). Hukum Menyegerakan Penyerahan Zakat Harta dan Zakat Fitrah di Saat Pandemi Covid-19. *Bustanul Fuqaha: Jurnal Bidang Hukum Islam*, 1(2), 125–136.
<https://doi.org/10.36701/bustanul.v1i2.140>
- Sabraz Nawaz Samsudeen, Selvaratnam, G., & Ahamed Hilmy Hayathu Mohamed. (2022). Intention To Use Mobile Banking Services: An Islamic Banking Customers' Perspective From Sri Lanka. *Journal of Islamic Marketing*, 13(2), 410–413.
<https://doi.org/10.1108/JIMA-05-2019-0108>
- Shifa Mohd Nor, Mariani Abdul-Majid, & Siti Nabihah Esrati. (2021). The Role Of Blockchain Technology In Enhancing Islamic Social Finance: The Case Of Zakah Management In Malaysia. *Foresight*, 23(5), 509–527. <https://doi.org/10.1108/FS-06-2020-0058>
- Syuhaily Osman, & Leng, T. P. (2020). Factors Influencing Behavioural Intention For Mobile Banking Adoption Among Students Of Universiti Putra Malaysia. *Malaysian Journal of Consumer and Family Economics*, 24(1), 79–100.
- Tafsiruddin. (2020). Sistem Pengelolaan Zakat Di Era Modern. *Al-Mutharahah*, 17(1), 169–187. Retrieved from <https://ojs.diniyah.ac.id/index.php/Al-Mutharahah>

Venkatesh, V., Morris, M., Davis, G., & Davis, F. (2003). User Acceptance of Information Technology: Toward a Unified View. *MIS Quarterly*, 27(3), 425–478.

ZAKAT GOVERNANCE: AN ANALYSIS OF ZAKAT DISTRIBUTION IN NEGERI SEMBILAN BEFORE AND DURING COVID-19

Suhaila Abdul Hamid¹

¹ (Corresponding author). Lecturer. Faculty Economics and Muamalat, Universiti Sains Islam Malaysia.
suhaila@usim.edu.my

Abstract

The objective of this study is to examine the transparency of Majlis Agama Islam Negeri Sembilan (MAINS) in sharing the information on zakat distribution for the period of 2019 until 2021. This information is recommended to be shared with the public since recently, zakat distribution has become a concern among the public. In this study, the data were obtained from MAINS website and analysed using descriptive analysis. The findings indicate that for the period of 3 years, the asnaf under the category Miskeen, Fisabilillah and Riqab received the highest distribution of zakat whilst Ibnu Sabil received the least amount of zakat. To improve the governance of zakat distributed in Negeri Sembilan, it is recommended that a more comprehensive reporting such as the minimum and maximum amount of zakat distributed and the purpose of distribution should be publicly available. This perhaps could increase the public confidence towards Pusat Pungutan Zakat in the future.

Keywords: Asnaf, Zakat, Governance, Distribution Analysis, Reporting

INTRODUCTION

Zakat is a tool under the *ijtimaie* sector apart from waqf, *sadaqah* and *infaq* that can be used to share wealth among the Muslims or public. The sharing of wealth in Islam is important to ensure justice in distribution of income and encourages Muslims to practise *taqwa* to Allah. *Taqwa* which is the central concept in Islam, leads Muslims to have a balanced life between the present life (*al dunya*) and the hereafter.

Majlis Agama Islam Negeri Sembilan (MAINS) is the authority which governs the zakat management in Negeri Sembilan under the Jabatan Zakat. The Jabatan Zakat consists of three sections which are the Collection, Distribution and Counselling and human development. The establishment of MAINS started as early as 1947 when the British administration started to prepare the Malays prior to independence. However,

only in 1949, MAINS was formally established under the Enakmen Majlis Agama (Enakmen No. 5/1949). From 1957, until 2003, MAINS had undergone several changes to improve its structure and governance. The latest amendments in 2003 were initiated by Jabatan Kemajuan Islam Malaysia (JAKIM), which standardized all enactments including administration of the Islamic Councils in Malaysia (Majlis Agama Islam Negeri Sembilan, 2021). Under the Jabatan Zakat, *asnaf* in Negeri Sembilan are grouped in seven groups as *Faqeer* and *miskeen*, *Amil*, *Muallaf*, *Gharimin*, *Fisabilillah*, *Riqab* and *Ibnu Sabil*. Interestingly, for the purpose of distribution, the *asnaf Faqeer* and *Miskeen* are separated accordingly. This indicates a good governance practice since *faqeer* and *miskeen* in Islamic context are basically representing different level of needy people.

In recent years, the public has shown concern on the distribution of zakat. According to Jamaludin et al., (2017), it is because zakat authorities are perceived as less efficient compared to certain non-governmental organizations (NGOs) or individuals in helping the poor and the needy. In view of the foregoing, it is important to ensure that zakat authorities have good governance in their practices not only to gain public's confidence but more importantly to ensure the effectiveness in zakat distribution. Furthermore, the covid-19 pandemic has caused financial distress among the public and reliance on zakat becomes more crucial. For instance, Lembaga Zakat Selangor indicated an increase in the number of *asnaf* under the *Miskeen* category due to covid-19 pandemic (Lembaga Zakat Selangor, 2020).

Therefore, the governance of the zakat fund especially on the distribution to the relevant *asnaf* is worth to be discussed. An interesting question to be examined is "What is the pattern of distribution of zakat fund to the *asnaf* before and during the covid-19 pandemic in Negeri Sembilan?". For this purpose, several analyses on the distribution trends were performed using data generated from the website of MAINS. The data were generated for the distribution of zakat for years 2019 to 2021. Later descriptive analyses were performed on these data to obtain insights into the amount of zakat distributed before and during the covid-19 period. The analyses indicate that the highest distribution of zakat was received by the *asnaf* under the category *Miskeen* and followed by the *asnaf* under the category *Fisabilillah* for years 2019 and 2020. In 2021, the highest distribution of zakat was made to the *asnaf Fisabilillah* and followed by the *Miskeen* category.

METHODOLOGY

In this study, data for the distribution of zakat to the *asnaf* were obtained from the website of MAINS. The data are publicly available under the open data category. The relevant data were generated based on months and the respective years, which are from year 2019 to 2021. Later descriptive analyses using Excel were performed and the findings are presented in the form of table and histogram.

RESULTS AND DISCUSSION

Table 1 presents the amount of zakat distributed to all *asnaf* in Negeri Sembilan for the years 2019 to 2021. Despite *faqeer* and *miskeen* were categorised together, in distributing the zakat collection, these two types of *asnaf* were separately grouped. Based on Table 1, the three largest recipients of zakat from 2019 to 2021 were *asnaf* under the *miskeen*, *fisabilillah* and *riqab* categories. On the other hand, *asnaf ibnu sabil* received the least amount of zakat within these periods. The data indicates that there is a decrease of about RM10 million of zakat distributed to the *Miskeen* in 2021 as compared to 2020. The same decreasing pattern could be seen in other categories of *asnaf* except *Fisabilillah* and *Amil*. The decreasing pattern is perhaps due to the less amount of zakat being collected since the impact of covid-19 could be experienced more in 2021 which was about a year from the first-time lockdown was imposed in March 2020 after it was detected in late 2019.

Table 1. Distribution to *Asnaf* for years 2019 - 2021

	2019 (RM)	2020 (RM)	2021 (RM)
<i>Amil</i>	17,722,326	17,393,358	17,599,088
<i>Miskeen</i>	38,166,757	38,193,312	28,040,714.31
<i>Mualaf</i>	11,258,925	9,150,786	8,796,599.25
<i>Ibnu Sabil</i>	37,003	20,505	12,315.00
<i>Fisabilillah</i>	31,250,583	30,012,275	38,719,371.64
<i>Riqab</i>	24,786,728	17,404,968	13,378,021.13
<i>Gharimin</i>	2,530,606	2,062,017	4,181,135.64
<i>Faqeer</i>	No data available		12,070,226.97

Source: *Majlis Agama Islam Negeri Sembilan (2021)*

Figure 1 and Figure 2 illustrate the findings from further analyses on *Miskeen* and *Fisabilillah asnaf* in Negeri Sembilan. Figure 1 presents the monthly distribution of zakat for the *Miskeen asnaf*. For 2019 to 2021, the month of May and December is where the highest month zakat was distributed to the *asnaf* under this category. One possible reason is because of the Eid Fitr celebration which fell sometime in May during that period and preparation for school opening in December.

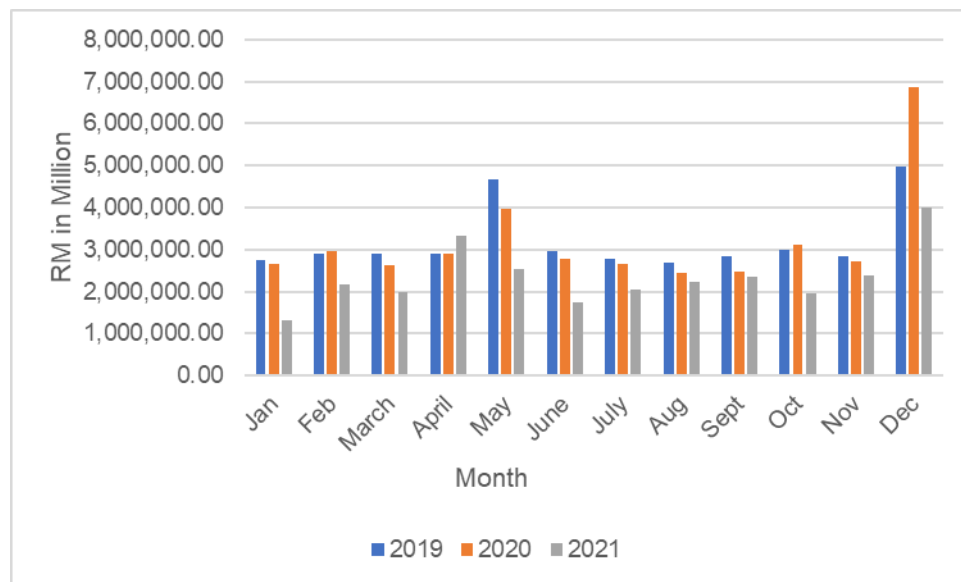


Figure 1. Monthly Distribution to *Miskeen* in 2019 - 2021

Figure 2 presents the findings for *Fisabilillah asnaf* for the period of 2019 to 2021. December was normally the month which indicated the highest distribution of zakat to the *Fisabilillah asnaf*. The months of March, September and November were also indicated as among high distributions of zakat.

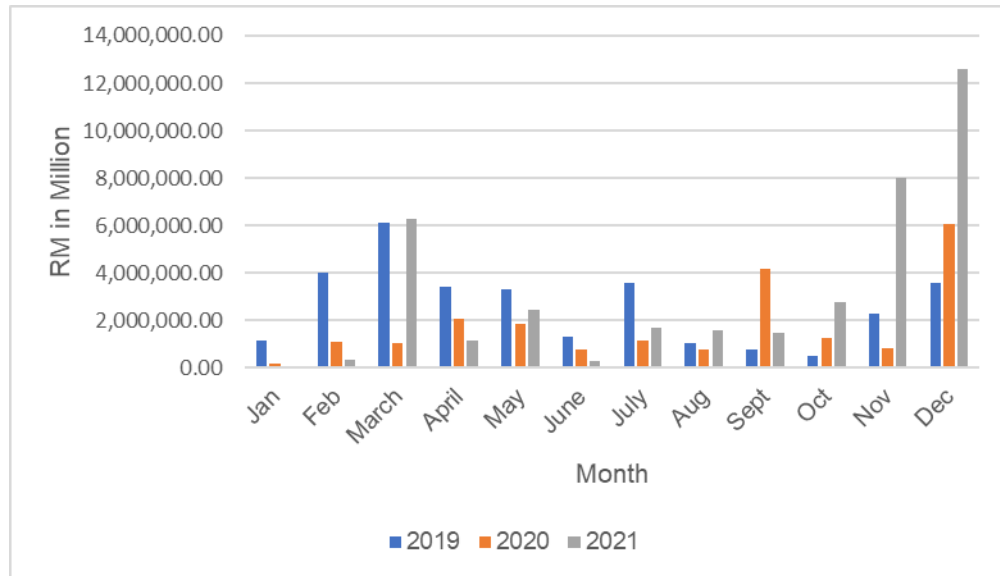


Figure 2. Monthly Distribution to *Fisabilillah* in 2019 - 2021

CONCLUSIONS

One of the ways to obtain trust by the public is through improving the governance and this could be fulfilled among others by transparency in reporting the distribution of zakat to the *asnaf*. Based on the analyses, it is suggested that details of the data offered on the website of MAINS on the distribution to each type of *asnaf* should be more comprehensive and up to date. To improve the governance, the minimum and maximum amount of zakat distributed to each type of *asnaf* and the purpose should also be shared with the public. For instance, the data indicates that for the period of 3 years between 2019 until 2021, the *asnaf* under the group, *miskeen*, *fisabilillah* and *riqab* are the largest group that received the zakat distribution from MAINS. However, the public does not know how much zakat is used to each type of assistance provided by MAINS since the assistance provided to each group is for different purposes. Since the data on the zakat collection is not publicly available from the website of MAINS, thus, a comparison between the amount of zakat collected and distributed is not possible to measure the effectiveness of zakat distribution in Negeri Sembilan. The data on the monthly distribution is important to provide some guidance to MAINS on how to encourage the Muslims to pay their zakat. For example, since December indicates the

highest amount of distribution, thus advertisements, explanations and motivations to pay zakat should be more intensified prior to December.

REFERENCES

- Jamaludin, N., Wahab, N. A. and Hamed, A. B. (2017), "Muslim Perception on Online Zakat Usage in Kuala Lumpur", *Journal of Muamalat and Islamic Finance Research*, 14(1).
- Lembaga Zakat Selangor (2020) Info Kutipan & Agihan Musim Covid-19 <https://www.zakatselangor.com.my/informasi/laporan-aktiviti-zakat/> RM38.9 juta bantu asnaf, B40 terjejas COVID-19 – MAIWP.
- Majlis Agama Islam Negeri Sembilan (2022). <https://www.mains.gov.my/v2/lain-lain/data-terbuka>.

DEVELOPMENT OF SHARIAH GOVERNANCE AND AUDIT IN ISLAMIC COOPERATIVE SECTOR

Supiah Salleh ⁱ, Zurina Shafii ⁱⁱ, Mustafa Mohd Hanefah, Muhammad Iqmal Hisham Kamaruddin, Nurazalia Zakaria & Nur Amni Mahmud Sabri

ⁱ (*Corresponding author*). Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. chuyah@usim.edu.my

ⁱⁱ Faculty of Economics and Muamalat, Universiti Sains Islam Malaysia. zurina.shafii@usim.edu.my

Abstract

This study focuses on development of Shariah governance and audit in Islamic Cooperatives in Malaysia. Suruhanjaya Koperasi Malaysia (SKM) governs Islamic cooperatives, which aim to stimulate the development of co-operatives in accordance with Shariah. SKM provides guidelines for Islamic cooperatives to manage the operation of institutions. The development of Shariah governance and audit is essential to complement the Shariah compliance mechanism that already in place and practised internally in the microfinance institutions. Strong regulations, framework and guidelines are needed to uphold the practice of Shariah compliance. Roundtable discussions was used as methodology of the study with the industry practitioners in Islamic Cooperatives. Apart from that, this study also used current guidelines in Islamic Cooperatives as benchmarking practices. SKM published few guidelines related to Shariah governance to assist the operation of cooperatives. Based on the finding, there is an existence of gap in regulation, framework, and guidelines in governing Shariah compliance principles in Islamic Cooperatives. This is crucial since regulation, framework and guidelines in Shariah governance and audit in Islamic Cooperatives will increase the level of trust of the stakeholders that the activities and operations are Shariah-compliant. Also, giving the standardize framework it will contribute towards managing the risk of the microfinance institutions and, within the grander scheme of things, contribute to the growth of the industry and the economy by providing adequate disclosure for the stakeholders to make informed decisions.

Keywords: Shariah audit, Shariah Governance, gaps, microfinance institutions

INTRODUCTION

Cooperative sectors in Malaysia have emerged in the Islamic financial contracts and continues to grow since many cooperatives operate Shariah contract activities in their institutions. The development of a Shariah-compliant cooperative sector is growing

rapidly as a result of the spill over effect of Malaysia's rapid growth of the Islamic finance industry from the 1980s to the present (Rose et al., 2018.). The Shariah governance and Shariah audit practice is mainly to increase the Shariah compliance and enhance the integrity of the cooperative sector. The elements in Shariah governance such as members, Shariah Committee, Internal audit and management are incorporated to develop Shariah governance of cooperative sectors. Meanwhile, Shariah audit is carried out to provide independent assessment and objective assurance with the goal of adding value to the institutions (Bank Negara Malaysia, 2010)

In order to develop Shariah governance and Shariah audit, there are several issues and challenge occurred during the process of establishing and executing. Mostly the issues are on staff, system and operation, standard operating procedures and skillset for the staff. It is crucial to identify issues and challenge of Shariah governance and audit in cooperative sector so that the responsible party can solve and improve the structure in the institutions. The study involve interview with practitioner that include regulators, internal auditors of cooperative, external auditors, Shariah officers of cooperative and Shariah expert. The findings from this study will facilitate the regulators, management of auditor to address the issues. The purpose of this paper is to identify the issues and challenges Shariah governance and audit in cooperative sector.

In this study, the researchers focused on credit cooperatives, as it is the largest cooperative in Malaysia. This study heavily relies on the corporate governance (CG) study, which has been used as a model for implementing in the cooperative sector where appropriate. Apart from that, this study will be focusing on problems with Shariah governance and auditing in the cooperative sector. This is crucial since regulation, framework and guidelines in Shariah governance and audit in Islamic Cooperatives will increase the level of trust of the stakeholders that the activities and operations are Shariah-compliant. Also, giving the standardize framework it will contribute towards managing the risk of the microfinance institutions and, within the grander scheme of things, contribute to the growth of the industry and the economy by providing adequate disclosure for the stakeholders to make informed decisions.

METHODOLOGY

This study used qualitative method that reviews and gathers inputs and feedbacks from interview session. One of the benefits of interview is that they highlight the individuality and human perspective that is not addressed or analysed by the quantitative method. In addition, interviews enable social cues such as voice, intonation, body language of the interviewee. This help the interviewer to gain a lot of extra information that can be added to the verbal answer of the interviewee on a question. (Opdenakker, 2006). By doing interview, the respondent will express their opinion as much as they can compare to quantitative that is more limited. Other advantages are, there is no significant time delay between questions and answers in face-to-face interviews. (Opdenakker, 2006) The researcher and the participants could really interact to what the other explains or does. Interview allows researchers to understand better about the participants' opinions, ideas, and experience in their own words.

A sample of knowledgeable and expert in cooperative sector include regulators, internal auditors of cooperative, external auditors, Shariah officers of cooperative and Shariah expert. An expert must competent and not only in Shariah aspect but knowledgeable in cooperatives activities also. The initial number of targeted samples was 10 but the study manages to get 5 interviewee for this study. The respondents are consisting from a representative from regulators, an internal auditor of cooperative, an external auditor, Shariah officer and Shariah expert. Despite the fact that the number of interviewers is limited, the researchers believe the sample to be representative.

RESULTS AND DISCUSSIONS

Shariah Governance and audit

In order to achieve the objective of the study, the participants of the interview were guided by five series of questions. During the first part of the interview, the participants are required to briefly explain background of Shariah governance in their own cooperative. The results coming from auditor, Shariah expert, regulators and representative from cooperative. Based on the finding, the regulator is still developing

the structure of Shariah policy and mentioned that cooperative must have Shariah Committee in the institutions. This is in line with previous study by Asiah (2018) where Shariah governance is still new for the cooperative sector, the SWOT analysis results in his study identified a number of weaknesses and threats that need to be highlighted with a proper approach for each Ar-Rahnu service provider. However, the current strategy can still be strengthened (Asiah et al., 2018). The idea of a Shariah Governance and audit cannot be fully implemented in the cooperatives since some aspects are not properly explained from the point of view of governance, management, and products in the cooperative itself, as per prior study that found GP 28 *Garis Panduan Tadbir Urus Syariah* (2015) needs improvement.

Secondly, the finding showed that cooperative must conduct Shariah audit since most of the institutions are offering Islamic financing contract. From these results, researcher can confirm that most respondents are aware that if the cooperative conduct business activities based on Shariah rules and principles it is important for them to appoint Shariah auditor and perform Shariah audit to ensure Shariah compliance.

Shariah auditor competency

The next issues found during the interview is on the competency of auditor to perform audit work. Majority of the respondents agreed that auditor must be competence, has skills and knowledge before conduct audit work. In the direction of increase stakeholder trust, public confidence in Islamic financial institutions, management and business operations of the cooperative, the cooperative must have effective model of Shariah governance and audit including the components in the framework. Shariah auditor competency's is very vital to ensure the findings is reliable and trusted.

This study also concludes that lack of knowledge and experience are crucial in performing duties related to Shariah. Good quality of audit findings can be achieved if Shariah auditor are competence to conduct their job. In order to conduct Shariah audit functions in cooperative sector, the auditor and the board audit committee must both be competent and knowledgeable in the field. Cooperatives sector operate without a dedicated Shariah expert may think about hiring or contracting a Shariah advisor to look into a Shariah audit. This remains true for the implementation of Shariah audit

which institutions must conduct independently to make sure their practises comply with shariah.

Needs of Shariah Audit

Based on the interview, Shariah audit should be conducted in cooperatives sectors as they claim business are operated according to Shariah principles. The action of auditor take initiative to conduct audit is consider as regulatory motivation that can gives alarm to the employee to always conduct operations as per standard operating procedures (SOP) and comply with Shariah principles. Apart from that, the needs of Shariah audit can ensure cooperatives sector minimize Shariah non-compliance risks.

Furthermore, the findings showed all respondents agree that reducing the risk of Shariah non-compliance is one factor why Shariah audits must be conducted in cooperative. Shariah non-compliance risk is the risk of financial loss resulting from a failure to abide by the Shariah rules and regulations established by the regulator since it will tarnish the institution's reputation. Shariah compliance is the primary element and determining aspect of how the cooperative functions. The cooperatives are at risk of not being compliant if they don't conduct their business and other operations in accordance with Shariah principles and values. Moreover, cooperatives can improve the reputation of their institution's and gain stakeholder's trust. This was also explained in a prior study conducted in 2018, where the potential of Shariah non-compliance exposed institutions to the risk of a por institutional reputation while also affecting the public's trust in cooperatives (Asiah et al., 2018).

In addition, the findings reveal that the cooperative sector is actually impacted by number of issues. Certain audit results are usually discovered when the Shariah audit performs an audit in accordance with audit scope. The Shariah auditor will provide the institutions with an audit report whenever they find any issues with internal controls or shariah non-compliance issues. With all these audit findings, cooperatives can reduce Shariah non-compliance risk while also strengthening internal controls. Normally, the Shariah auditor will make recommendations and include follow-up for the audit findings.

CONCLUSION

This paper provides an overview of the current issues and challenges in the development of Shariah governance and auditing in the cooperative sector. The cooperative sector is still at the stage of infancy in developing the framework and process of Shariah governance and audit. Even though SKM has issued *GP 28 Garis Panduan Tadbir Urus Syariah* (2015), there are still lots of improvement that need to be done. Issues such as the importance of having Shariah committee in each of the cooperative's institutions are deemed significant since the cooperatives offers Islamic finance contract. The current governance structure in cooperative sector shows that the existence of Shariah advisory is available at the regulatory level but not in each of the cooperative institutions offering Islamic contract. It is important to have Shariah committee at the institutions level since it provides greater commitment and transparency in complying with Shariah. Furthermore, this is to ensure that all Islamic financing contracts offered by the cooperatives are properly endorsed by the Shariah committee and it comply with all the Shariah principles. Secondly, among the challenges identified in this study is on the important of implementing Shariah audit functions in the Islamic cooperatives sector. Shariah audit is a function that provides an independent assessment on the quality and effectiveness of the institution's internal control, risk management systems, governance processes as well as the overall compliance of the operations, business, affairs, and activities with Shariah. Therefore, by implementing Shariah audit functions it will enhance the integrity of the institutions in terms of Shariah at the higher level. Thirdly, lack of Shariah knowledge and expertise in most Islamic cooperatives sector has become one of the challenges in Shariah governance and audit. Trainings and human capital development are required to increase knowledge of Shariah among the cooperatives staff. By highlighting the issues and challenges in this research it can help regulators or management of the cooperative sector get some insight and take fast action if the issues affect the cooperative institutions. This study may be useful to a future researcher in collecting data on problems and challenges in Shariah governance and audit in cooperative sector

REFERENCES

- Asiah, A., Shah, B., Hab, H., Jabatan, K., Islam, M., & Sharif, D. (2018). Kepatuhan Syariah Dalam Tadbir Urus Ar-Rahnu Shariah Compliance in the Governance of Al-Rahnu. In *Faculty of Syariah and Law* (Vol. 1, Issue 2). <http://journal.kuis.edu.my/muwafaqat>
- Bank Negara Malaysia. (2019). *Shariah Governance Policy Document*.
- Opdenakker, R. (2006). *Advantages and Disadvantages of Four Interview Techniques in Qualitative Research*. <http://www.qualitative-research.net/fqs/>
- Rose, R. H., Samad, R., & Shafii, Z. (n.d.). *Shari'ah Governance Practices in Credit Cooperatives in Malaysia 1*.

"FIND OUR WAY BACK": HALAL INTEGRITY TOWARDS SUSTAINABLE TOURISM IN ISLAMIC SCIENCE PARADIGM

Siti Syahirah Saffinee ⁱ

ⁱ (Corresponding author). Faculty Syariah and Law, Universiti Sains Islam Malaysia.
syahirah.saffinee@usim.edu.my

Abstract

"Without the integrity, halal world would be tarnished". In Islam, the values-based principles instilled on the character and beliefs as the acting is all accountable in a holistic approach. However, concerns have been aroused on the individuality awareness towards sustainable tourism, in particularly, the role of khalifah in sustain the excess of the study on such matter. This study uses qualitative approaches and content analysis to identify new themes in the halal integrity issue. The outcomes determined four major components which can be affecting halal integrity towards sustainable tourism such as responsibility, trust, morality, and ethics. The accomplishment of this research makes a significant contribution to the sustainable tourism by highlighting the importance of halal integrity and concentrating on global challenges that should be supported by Islamic values.

Keywords: Halal Integrity, Sustainable tourism, Islamic Science Paradigm, Islamic Values

INTRODUCTION

The term halal integrity (HI) is the quality of being honest and having strong moral principles in Islamic ways. Such quality would lead to an antidote to self-interest. In fact, the expectation of a similar behaviour can be conceptualization when a central role in ensuring ethical obligation is performed (Eger, 2019). One observer has already drawn attention to the integrity in sustainable tourism to not only promote tourism experiences and education opportunities but the important things in a manner to preserve the tourism heritage philosophy for future generations (Weber et al., 2019).

Within the global context, the tourism market segmentation is crucial to gather information related to HI because of the geographic (the origin), the demographic (the background) and psychographic (the interest). For example, in young Americans, less

environmental awareness because they tend to more materialism, disconnect from nature and technology lifestyle raise an alarm from 2007 and 2013 survey on citizenship environmental concern (Liu et al., 2014). Undoubtedly, in Montana, the behaviour of the people not reflecting on sustainable practices because some of the business mentality may not be working on self-regulation (Jorgenson & Nickerson, 2016). On the contrary, in Kandovan, Iran, environmental attraction gives the largest segment tourists which sustainable tourism is needed to secure the virginity of the destination despite the business indicator (Allan & Shavanddasht, 2019).

In Malaysia, the literature on sustainable tourism recent limited. Local literature has focused on the sustainable city tourism (Yin, 2016), supply-side towards governance systems (Thompson et al., 2018), Muslim friendly sustainable tourism (Saffinee et al., 2022) and multi-stakeholders involvement (Wahid et al., 2008) which lead to the “17 Sustainable Development Goals” lead by United Nation and World Tourism Organisation (UNWTO). Sustainable tourism literature focused on the triparty components of human welfare, animal welfare, and nature preservation. However, the existing concept lay down in the sustainable tourism yet what is most glaring in the literature is the confusing of the halal integrity towards sustainable tourism in such a process. Hence, this paper seeks to fill in this gap by examining the halal integrity towards sustainable tourism.

METHODOLOGY

In focusing on the reality of the role of *Khalifah* in ST development at the first stage, this paper employs a qualitative approach using Islamic science paradigm. The secondary data consists of the primary source from Quran and Hadith which being the fundamental of *Khalifah*-Nature theory. The primary source is triangulated with secondary sources including academic books, journals, reports, online databases and other library-based sources. Data analysis of these primary and secondary was initially employed to identify possible elements.

RESULTS AND DISCUSSION

Muslim scholars have contributed to the philosophical discussion of *Khalifah*. The *Khalifah* is categorized by three essential roles such as servant to Allah the Almighty (*‘Ubudiyyah*), to protect Islamic law and to prosper the world (*‘Imarah fi al-Ard*) (Abbas

& Selatan, 2017; Ghernaout, 2017; Mardiyah et al., 2018; Rahmat & Fahrudin, 2018). In Islam, *Khalifah* is a man to Allah the Almighty. A knowledgeable person managing the world requires experience and leadership characteristics. This study describes *Khalifah* as a man who can refrain from damaging the environment and continue on the aim of ST. The main roles of a *Khalifah* in terms of ST are to achieve the aim of ST by realizing *Maqasid al-Shariah* towards the conserve of the environment, promote of community participation and preserve the tourism towards preservation of socioeconomic. These elements of *Khalifah* and objectives of ST are illustrated in Figure 1. The findings of this paper on the role of halal integrity using *khalifah* theory are explained below.

Roles of Khalifah

The qualification for *Khalifah* is when he can carry the trust of Allah the Almighty (Qur'an, *al-Ahzab*, 72). He also embraces the teachings of Islam. Without Islam, human beings would oppose and rebel against the power of Allah the Almighty. He says: "[Jesus] said, 'Indeed, I am the servant of Allah. He has given me the Scripture and made me a Prophet.'" (Qur'an, *Maryam*:30). Human beings have the intellect to organize themselves and make decisions. Their idea was that the world and man were created by Allah the Almighty, but the life of the world is a matter of man, which should not be mixed with religion. Therefore, these differences of opinion lead to the destruction of natural damage and ecosystem imbalance.

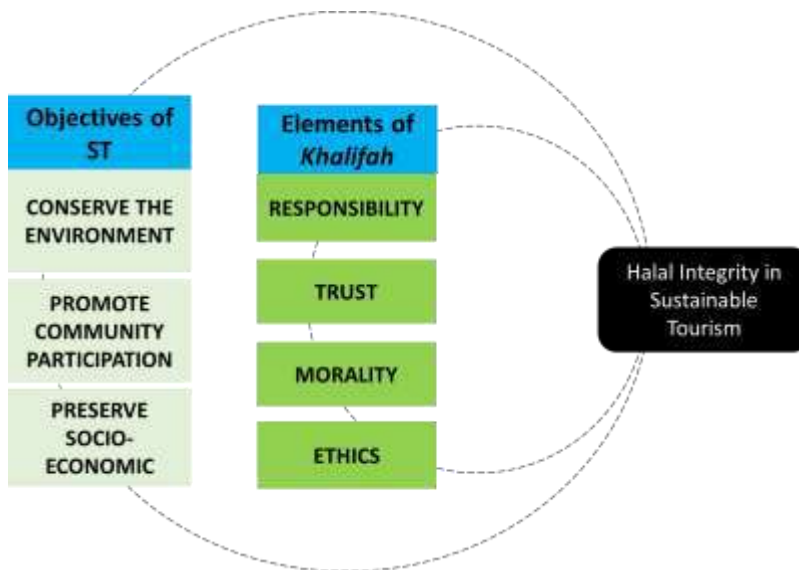


Figure 2: Halal Integrity in Sustainable Tourism

Islam teaches those human beings have two duties: a servant of Allah the Almighty (*'Abdullah*) and as a representative of Allah the Almighty (*khalifatullah*) on earth. As a servant of Allah, the Almighty, the main role of the man is to worship Him. However, as *khalifatullah*, human beings are given a trusteeship (*amĒnah*) and responsibility because Allah is the Almighty. As the *Khalifah*, human beings are given the responsibility of managing the universe for humankind's welfare. As God's representative, man must uphold the truth, spreading da'wah, eradicate falsehood, and are even given the authority to sentence humans to death (Khumaini & Sholihin, 2019; Muhamad et al., 2020). Therefore, human beings are equipped by Allah the Almighty with perfect psychological equipment, intellect, and heart which are all-sufficient for them as respected and noble beings, as well as very potential to fall to a lower position than animals.

The second role of *Khalifah* is responsibility in administering Muslim affairs. The reason for upholding Islamic law in managing and maintaining the resources is vital and supporting each other's role to sustain the system in balance. Allah the Almighty says: "*And the earth - We have spread it and cast therein firmly set mountains and caused to grow therein [something] of every well-balanced thing.*" (Qur'an, *Al-Hijr*:19). The *Khalifah* is responsible for maintaining harmony between humans and carrying out his duties in Islam. Among his other responsibilities are to seek knowledge, maintain morals and ethics in the daily association, be a pious Muslim, maintain the well-being of faith, and avoid immorality. It is very much demanded in Islam because every human behaviour will be questioned in the Hereafter. It is in line with the *Maqasid al-Shariah*, to preserve and maintain the five basic things in human life, namely the care of religion, intellect, soul, lineage and property.

The third role, the *Khalifah* is responsible for determining the natural surroundings' welfare and safety. Hence, in realizing man's role as *Khalifah* on earth, man is reminded of the concept of a trustee (Qur'an, *Al-An'am*: 165) and not an owner of the earth (Qur'an, *Al-Thoha*: 6). Thus shaping the constant interaction between man and the environment (Sarkawi et al., 2017). From the understanding of trusteeship (*amanah*) concepts, a value system can be developed for professional experts, the development of the natural environment such as tourism stakeholders, and people who hold fast to religion to form a civilization developed based on imarah al-islamiyah. Without a value system, many negative outcomes will affect the natural surroundings, such as acid rain,

pollution of the air, earth, sea, and others. Allah the Almighty says: “Corruption has appeared throughout the land and sea by [reason of] what the hands of people have earned so He may let them taste part of [the consequence of] what they have done that perhaps they will return [to righteousness].” (Qur’an, Ar Rum:41).

The Objective of Halal Integrity in Sustainable tourism

Muslim scholars have highlighted the importance of trustee, ethics, and responsibility as an essential driver of *Khalifah* towards protecting the environment and nature (Bhatia et al., 2017). The part of *daruriyyah* (necessity) to protect the environment can be included in the tourism industry’s environmental issues. When tourism’s purpose is to seek Allah the Almighty’s blessing and follow Islam’s teachings, it becomes part of worship (Akhir, 2018). The action to perform good deeds is not a light responsibility. Engagement with protection is needed. Otherwise, corruption will occur. It would become actualised when people can control, manage, and regulate the resources into their full responsibility, such as keeping cleanliness and strictly doing waste management. Meanwhile, *Khalifah* roles should have informal involvement to confront and report any illegal users who disturb the ecology, natural heritage, and biodiversity to the tourism development stakeholders (Cookey et al., 2016).

Maintaining public interest (*maslahah*) is demonstrated through communication skills because it plays an essential role in ST. The reason communicating is more than just providing information and knowledge is because it is a medium of interaction and part of *da’wah*. For example, locals in tourism destinations can provide genuine commitment because of the excellent relationship between them (Mohamad et al., 2016). There are various methods and strategies for the listener to understand the inputs and processes in communication, but each individual’s output and understanding are different.

Humanity is seen in the aspects of individuals as having values, ethics, and morals (Cockburn et al., 2018) to sustain the social economy and, in principle, also sustain the tourism industry. The role in preserving socioeconomic can also be achieved by self-sufficiency for one’s survival. In Islam, the guideline for economic activities is bound to five elements. Firstly, no excessive profit among tourism stakeholders. Secondly, be lenient to the poor and strict to the rich. Next, be gentle and flexible on the activities

involved. Fourthly, promptly repay debt and give the possibility of debt cancellation. Lastly, if it is related to credit to the poor, expect from them without repayment.

CONCLUSIONS

The current study is more about the care of environmental sustainability and emphasizing the role of the *Khalifah* himself. The findings of the study can help tourism stakeholders as planners, providers, and demanders of the tourism industry in Malaysia and globally. The Muslim community is expected to gain more advantages from the current spirit of Islamization as knowledge, morals, and spirituality all rise. May the Islamization of knowledge serve as a pillar for the past Islamic revival to return.

REFERENCES

- Abbas, A. S., & Selatan, T. (2017). Syari ' at Perlindungan dan Pemeliharaan Alam. *Jurnal Himmah*, 4–22.
- Akhir, N. S. M. (2018). Tourism and Environmental Protection from the Islamic Spiritual Approach. *International Journal of Academic Research in Business & Social Sciences*, 8(5), 156–172. <https://doi.org/10.6007/IJARBSS/v8-i5/4092>
- Allan, M., & Shavanddasht, M. (2019). Rural geotourists segmentation by motivation in weekends and weekdays. *Tourism and Hospitality Research*, 19(1), 74–84. <https://doi.org/10.1177/1467358417694513>
- Bhatia, S., Redpath, S. M., Suryawanshi, K., & Mishra, C. (2017). The Relationship Between Religion and Attitudes Toward Large Carnivores in Northern India? *Human Dimensions of Wildlife*, 22(1), 30–42. <https://doi.org/10.1080/10871209.2016.1220034>
- Cockburn, J., Cundill, G., Shackleton, S., & Rouget, M. (2018). Towards place-based research to support social-ecological stewardship. *Sustainability (Switzerland)*, 10(5). <https://doi.org/10.3390/su10051434>
- Cookey, P. E., Darnswasdi, R., & Ratanachai, C. (2016). Local people's perceptions of Lake Basin water governance performance in Thailand. *Ocean and Coastal Management*, 120, 11–28. <https://doi.org/10.1016/j.ocecoaman.2015.11.015>
- Eger, C. (2019). Corporate Philanthropy Through the Lens of Ethical Subjectivity. *Journal of Business Ethics*, 156(1), 141–153. <https://doi.org/10.1007/s10551-017-3551-1>

- Ghernaout, D. (2017). Environmental Principles in the Holy Koran and the Sayings of the Prophet Muhammad. *American Journal of Environmental Protection*, 6(3), 75–79. <https://doi.org/10.11648/j.ajep.20170603.13>
- Jorgenson, J., & Nickerson, N. (2016). Geotourism and Sustainability as a Business Mindset. *Journal of Hospitality Marketing and Management*, 25(3), 270–290. <https://doi.org/10.1080/19368623.2015.1010764>
- Khumaini, F., & Sholihin, M. (2019). Reconstruction of Maqasid Syariah Value ' s in the Islamic Political Culture. *Journal Intellectual Sufism Research*, 2(November), 14–20.
- Liu, X., Vedlitz, A., & Shi, L. (2014). Examining the determinants of public environmental concern: Evidence from national public surveys. *Environmental Science and Policy*, 39, 77–94. <https://doi.org/10.1016/j.envsci.2014.02.006>
- Mardliyah, W., Sunardi, S., & Agung, L. (2018). Peran Manusia Sebagai Khalifah Allah di Muka Bumi: Perspektif Ekologis dalam Ajaran Islam. *Jurnal Penelitian*, 12(2), 355. <https://doi.org/10.21043/jp.v12i2.3523>
- Mohamad, D., Bahauddin, A., & Mohamed, B. (2016). Tourism development progress of two islands of Malaysia: the locals' perspective towards climate change. *Tourism Themes Iss*, 4(4), 98–100. <https://doi.org/10.1108/WHATT-09-2016-0046>
- Muhamad, A., Halim, A., Abdul, S., & Ibrahim, H. (2020). Preserving Human – Nature ' s Interaction for Sustainability: Quran and Sunnah Perspective. *Science and Engineering Ethics*, 0123456789. <https://doi.org/10.1007/s11948-020-00192-7>
- Rahmat, M., & Fahrudin. (2018). Understanding the Meaning of Khalifah fil ardhi in the Quran and Implications on Education Understanding the Meaning of Khalifah fil ardhi in the Quran and Implications on Education. *Earth and Environmental Science*, 145.
- Saffinee, S. S., Jamaluddin, M. A., Hashim, K. S. H., & Amid, A. (2022). Muslim-Friendly Sustainable Geo-Tourism (MFS-GT): A Qualitative Study Using the Grounded Theory. *Revelation and Science*, 12(1), 23–34. <https://journals.iium.edu.my/revival/index.php/revival/article/view/299>
- Sarkawi, A. A., Abdullah, A., Dali, N. M., & Khazani, N. A. M. (2017). The Philosophy of Maqasid Al-Shariah and Its Application in the Build Environment. *Journal of Built Environment, Technology and Engineering*, 2, 215–222.
- Tan, G. (2017). *Ecological Virtue Ethics : Towards Conversion and Environmental Action*.

- Thompson, B. S., Gillen, J., & Friess, D. A. (2018). Challenging the principles of ecotourism: insights from entrepreneurs on environmental and economic sustainability in Langkawi, Malaysia. *Journal of Sustainable Tourism*, 26(2), 257–276. <https://doi.org/10.1080/09669582.2017.1343338>
- Wahid, N. A., Amran, A., Haat, H. C., & Abustan, I. (2008). Towards A Sustainable Tourism Management In Malaysia. *Lex ET Scientia International Journal*, January, 301–312.
- Weber, M., Groulx, M., Lemieux, C. J., Scott, D., Weber, M., Groulx, M., Lemieux, C. J., & Scott, D. (2019). Balancing the dual mandate of conservation and visitor use at a Canadian world heritage site in an era of rapid climate change. *Journal of Sustainable Tourism*, 27(9), 1318–1337. <https://doi.org/10.1080/09669582.2019.1620754>
- Yin, S. (2016). Sustainable City Tourism in Developing Countries : Malaysia Experience. In *Malaysia Sustainable Cities Program*. https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKewjM-8S02oTXAhWHuo8KHQZsDjUQFgglMAA&url=https%3A%2F%2Fscienceimpact.mit.edu%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2FYin.pdf&usg=AOvVaw3C3SkM1A_k_x13i2BfjgOv

CONGENITAL AND GENETICAL DISORDERS' (CGD) ASSOCIATION AND INTERACTION WITH COVID-19 AND ITS HEALTH CARE MANAGEMENT POST PANDEMIC: A MAQASID-BASED APPROACH

Zizi Azlinda binti Mohd Yusof ⁱ, Nur Zaireena bt Zainal ⁱⁱ & Mohammad Naqib bin Hamdan ⁱⁱⁱ

ⁱ (*Corresponding author*). Senior Lecturer/ Faculty Syariah and Law, Universiti Sains Islam Malaysia.
ziziazlinda@usim.edu.my

ⁱⁱ Senior Medical Lecturer. Obstetrics and Gynaecology Specialist, Faculty of Medicine and Health Sciences, Universiti Sains Islam Malaysia. drzaireen@usim.edu.my

ⁱⁱⁱ Senior Lecturer. Academy of Islamic Civilisation, Faculty of Social Sciences and Humanities, Universiti Teknologi Malaysia. mohammadnaqib@utm.my

Abstract

Since December 2019, Covid-19 infections have been threatening the balance of human lifetime in a number of areas, including the health care system, the economy, psychological characteristics, and the education gap. Millions of people, around the globe today, who survives from Covid-19 pandemic indeed struggling to live in a post-Covid complexities condition, particularly those who are having pre-existing comorbid conditions which include complicated congenital and genetic disorders (CGD). CGD event occurs out of chromosomal aberrations which may cause the congenital malformation and mental handicap since birth. Some studies show that some congenital and genetical disorders have great association with Covid-19 pandemic; although it may not have much significant physical effect, it is rather psychologically reflected and may pose a high-index of severity of Covid-19 complications and led to catastrophic event if not thread carefully. Some of these (CGD), are rare diseases which pose asymmetrical from different context toward the objective of preservation of live (hifz al-nafs), preservation of lineage (hifz al-nasl) and preservation of health (hifz al-sihhah). Covid-19 envisioned a difficult situation during and post COVID-19 pandemic, thus the bird's -eye view through the maqasid syariah's is crucial. Herein, this qualitative methodology which using document review method will highlight a conceptual and practical gap within the health care management addressing some congenital and genetical disorders with Covid-19 pandemic, hoping that it will foster the higher objective of Islamic law from maqasid frameworks in a great deliberation in a way may create a model of handling congenital and genetical disorders' (CGD) association and interaction with covid-19 and its health care management during pandemic.

Keywords: *congenital, genetical disorders, hifz al-nafs, hifz al-nasl, hifz al-sihhah*

INTRODUCTION

The National Institute of Health (NIH) estimated that the treatments of rare disease their caregivers which also embedded in CGD report inadequacies clinical needs even though before pandemic time (Chowdhury et al., 2021). Not to mention in the outbreak of pandemic, the healthcare management system of CGD experience a disastrous halt of development in its treatment process (Chung et al., 2021). CGD such as down syndrome, thalasseminia, sickle cell and autism spectrum order syndrome recorded as responsible to cause 2%-5% of live births, 30% to paediatrics hospitalization and cause about 50% of childhood deaths in industrialized countries (Hamamy & Alwan, 1997).

This paper analyzes (1) the scope of CGD which categorized as rare disease had a slower treatment owing to the prioritization of medicine during pandemic combats with the present virus at that time (Chowdhury et al., 2021). Focusing on pregnancy period, although only little study regarding the effect of members of Covid-19 such as severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), but the virus still can affect defect birth outcome such as miscarriage, fetal growth restriction and congenital anomalies attributed to the innovation of anti-COVID therapy for management of the patients (Mascio et al., 2020). Observing the emerging implications out of the healthcare system out of pandemic, a concept of *maqasid* approach conceptually and practically being documented in isolated case reports because it impacted to the morbidity and mortality under the element of *maslahah al-khamsah* (Al-Ghazali, 2008); the preservation of live (*hifz al-nafs*), preservation of lineage (*hifz al-nasl*) and preservation of sihhah (*hifz al-sihhah*) (Nurdeng Deuraseh, 2012).

Ibnu 'Asyur (2011) defines the Maqasid al-Shari'ah as to preserve the social order of the community and ensure its progress by promoting the well-being and virtue (Salah) of human beings. Yusuf Kamali (1999) describes that Shari'ah seeks to uphold few elements such as justice, eliminate prejudice and alleviate hardship from human being. It also preserves life which requires the provision of all the basic needs such as food, healthcare, clothing, shelter, transport, and education for survival and protection against harm (Faosiy, 2021). On the basis of the underpinning theory of *Maqasid al-Shari'ah* and social welfare, this study examines the effect of accessibility to basic healthcare services on Maqasid al-Shari'ah is necessarily needed.

METHODOLOGY

This research was designed using qualitative-interpretative methods commonly used in the study of literary texts. The research data were taken through a library study (George, 2008) in the form of secondary data from several sources such as journal articles, books, other written sources and webpages of related topics. However, this research explicitly discusses and assesses through *Maqasid al-syariah* point of view.

Before the *Maqasid* approach is utilized to view and to analyze regarding the medical topic in this paper, yet the subject matter necessarily needs to be correctly comprehended. The medical issues here shall be captured in a clear picture to avoid any misleading in analysis phase.

Figure 1 shows the analysis of 4W 1H (What, Who, Why, When and How) pertaining to CGD issues after pandemic from a *Maqasid al-syariah* perspective. The main issue that will be discussed is the concept of healthcare management system of some of the examples of CGD whereby CGD often experience life-long disability, life-threatening conditions, or severely impacted life quality of the patients. According to the analysis, despite the healthcare management system of CGD has been impacted owing to the effect of Covid-19 pandemic, the better future compass for better preparedness future is necessarily required to be assessed and improved as Quran and the Prophet's saying verifies that *hifz al-nafs*, *hifz al-nasl* and *hifz al-sihhah* are amongst of the highest objectives in Islamic laws. These three objectives will be analysed through the suitable approach.

RESULTS AND DISCUSSION

The finding reveals that the rapid policy creation to guide the management of healthcare system of CGD either towards pregnant mother with covid-19 (Twanow et al., 2022) or non-pregnant mother such as haemoglobin disease, sickle cell, cardiovascular disorder, down syndrome or autism spectrum disorder syndrome during pandemic and post pandemic is crucially required attributed to the *maqasid al-syariah* pragmatic; *hifz nafs*, *hifz al-nasl* and *hifz sihhah* because those kind of CGS could lead to normal lifelong disability, life threatening condition and severely impact human quality of life (Scheil-Adlung et al., 2006).

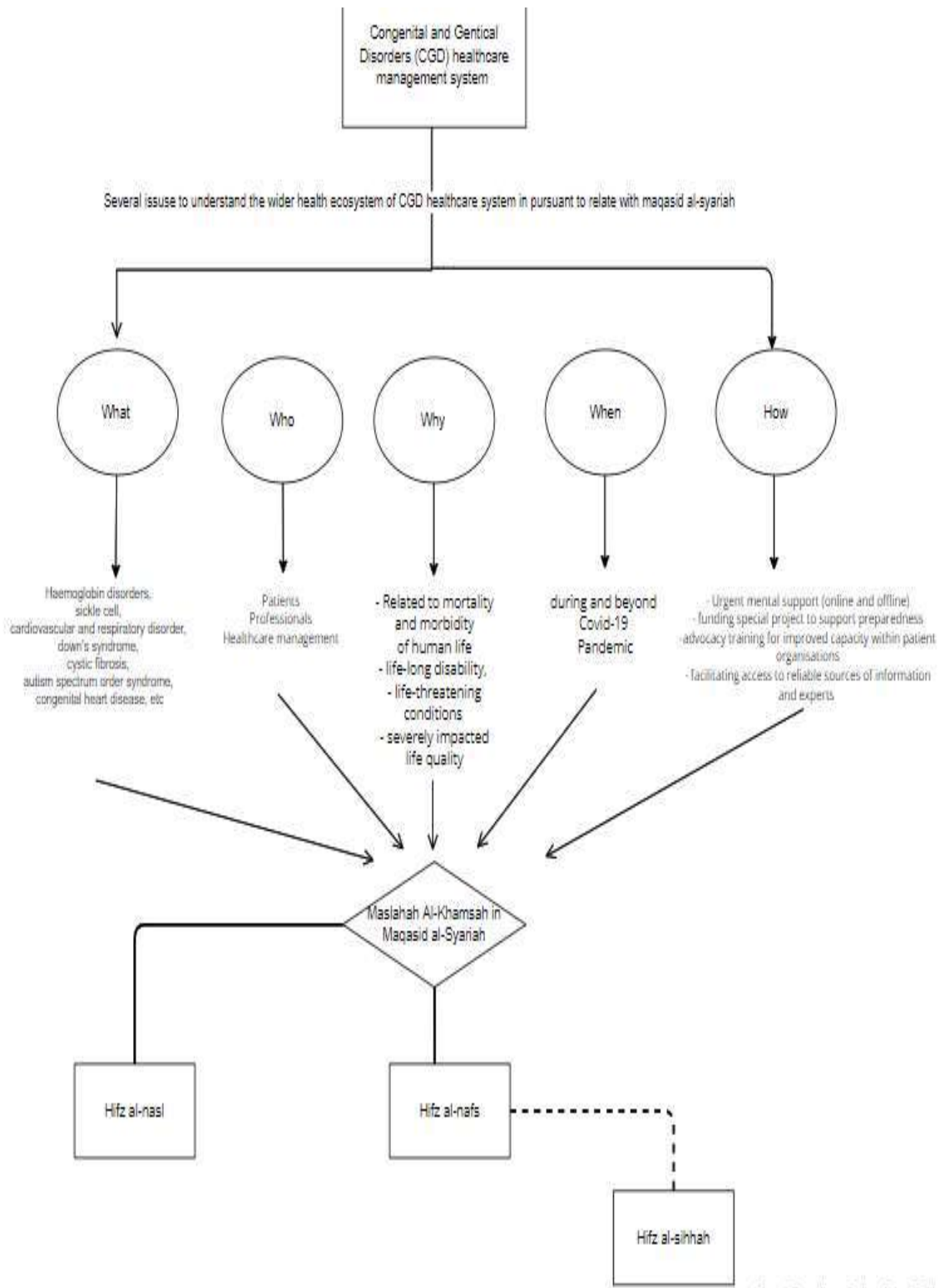


Figure 1: The analysis of 4W 1H (What, Who, Why, When and How) pertaining to CGD issues after pandemic from a *Maqasid al-syariah* perspective.

CONCLUSIONS

Conclusions should recommend the robust policy post pandemic with regard CGD which include some suggestions as following (LKS Faculty of Medicine Department of Paediatrics & Adolescent Medicine, 2020):

1. Urgent mental support either online or offline.
2. Funding special project to support preparedness.
3. Advocacy training for improved capacity within patients' organizations.
4. Facilitating access to reliable sources of information and experts.

REFERENCES

- Al-Ghazali, A. H. M. bin M. (2008). *Al-Mustasfa min 'Ilmi al-Usul*. Syarikah Al-Madinah Al-Munawwarah Li Al-Tiba'ah.
- Chowdhury, S. F., Sium, S. M. Al, & Anwar, S. (2021). Research and Management of Rare Diseases in the COVID-19 Pandemic Era: Challenges and Countermeasures. *Frontiers in Public Health*, 9(April). <https://doi.org/10.3389/fpubh.2021.640282>
- Chung, C. C. Y., Ng, Y. N. C., Jain, R., & Chung, B. H. Y. (2021). A thematic study: impact of COVID-19 pandemic on rare disease organisations and patients across ten jurisdictions in the Asia Pacific region. *Orphanet Journal of Rare Diseases*, 16(1), 1–12. <https://doi.org/10.1186/s13023-021-01766-9>
- Faosiy, O. A. (2021). Mechanisms of Poverty Eradication: Islamic. *International Management*, 24.
- Hamamy, H., & Alwan, A. (1997). Genetic disorders and congenital abnormalities: Strategies for reducing the burden in the Region. *Eastern Mediterranean Health Journal*, 3(1), 123–132. <https://doi.org/10.26719/1997.3.1.123>
- Ibnu Asyur, M. T. (2011). *Maqasid al-Syariah al-Islamiyyah*. Dar Al-Iskandariyyah.
- Kamali, M. H. (1999). Maqasid-Al-Shari'ah the Objectives of Islamic Law. *Islamic Studies*, 38(2).

- LKS Faculty of Medicine Department of Paediatrics & Adolescent Medicine. (2020). *Managing Rare Disease in APAC During Covid-19*. APARDO. <http://dx.doi.org/10.1016/j.ndteint.2014.07.001><https://doi.org/10.1016/j.ndteint.2017.12.003><http://dx.doi.org/10.1016/j.matdes.2017.02.024>
- Mascio, D. Di, Khalil, A., Saccone, G., Rizzo, G., & Buca, D. (2020). Systematic Review Outcome of coronavirus spectrum infections. *Ajog Mfm, May*, 1–9.
- Mohd Dali, N. R. S., Yousafzai, S., & Abdul Hamid, H. (2019). Religiosity scale development. *Journal of Islamic Marketing*. <https://doi.org/10.1108/JIMA-11-2016-0087>
- Nuradli Ridzwan Shah Mohd Dali, Wan Rasyidah Wan Nawang, Wan Nur Fazni Wan Mohamad Nazarie, & Hanifah Abdul Hamid. (2020). Post Pandemic Consumer Behavior: Conceptual Framework. *The Journal of Muamalat and Islamic Finance Research*. <https://doi.org/10.33102/jmifr.v17i3.280>
- Nurdeng Deuraseh. (2012). New Essential Values of Daruriyyah(Necessities) of The Objectives of Islamic Law (Maqasid Al-Shariah) (Keperluan Nilai Baharu Dalam Maqasid Shari ` ah (Objektif Undang-Undang Islam)). *Jurnal Hadhari*, 4(2), 107–116.
- Scheil-Adlung, X., Booyesen, F., Lamiraud, K., Reynaud, E., Juetting, J., Asfaw, A., Xu, K., Carrin, G., Chatterji, S., Evans, D., James, C., Muchiri, S., & Health, W. (2006). *What is the impact of social health protection on access to health care, health expenditure and impoverishment*. July 2006. www.ilo.org/publns
- Twanow, J. D. E., McCabe, C., & Ream, M. A. (2022). The COVID-19 Pandemic and Pregnancy: Impact on Mothers and Newborns. *Seminars in Pediatric Neurology*, 42(January). <https://doi.org/10.1016/j.spen.2022.100977>

MATHEMATICAL APPLICATION IN DETERMINING QIBLA DIRECTION OF TAMHIDI CENTRE UNIVERSITI SAINS ISLAM MALAYSIA (USIM) BY USING SPHERICAL TRIGONOMETRY

Norrlaili Shapiee ⁱ, Siti Faizah ⁱⁱ, Nur Idayu binti Ah Khaliludin ⁱⁱⁱ, Amanina Kamarudin ^{iv}, Mohd Naqiudin Che Ibrahim ^v & Aiza Azrin Mohd Zain ^{vi}

ⁱ (*Corresponding author*). Lecturer. Tamhidi Centre, Universiti Sains Islam Malaysia.
norrlaili@usim.edu.my

ⁱⁱ Lecturer. Department of Mathematics Education, Universitas Hasyim Asy'ari,
Jombang, Indonesia. faizah.siti91@gmail.com

ⁱⁱⁱ Lecturer. Tamhidi Centre, Universiti Sains Islam Malaysia. nuridayu@usim.edu.my

^{iv} Teacher. Tamhidi Centre, Universiti Sains Islam Malaysia. amanina@usim.edu.my

^v Teacher. Tamhidi Centre, Universiti Sains Islam Malaysia.
chemohdnaqiudin@usim.edu.my

^{vi} Teacher. Tamhidi Centre, Universiti Sains Islam Malaysia. aiza@usim.edu.my

Abstract

The direction of the Qibla is the direction of the city of Makkah which is one of the legal conditions for performing prayer. Spherical trigonometry a branch of Mathematics plays a critical role in determining the direction of Qibla. This paper presents a trigonometry formula to calculate the direction of Qibla at the Tamhidi Centre at Universiti Sains Islam Malaysia (USIM). The calculated value of the Qibla azimuth of Tamhidi Centre, USIM is $292^{\circ}35'44.44$ (from the north).

Keywords: Direction of the Qibla, Spherical Trigonometry, azimuth

INTRODUCTION

All this time, mathematics is considered an abstract, theoretical science and only contains formulas that do not seem to intersect with the reality of life. It is the basic science of the development of science (basic science) and is very useful. In terms of worship, mathematics has an important role, for example in terms of prayer which is not separated from the number of rak'ahs and order, prayer time, determination of the day in terms of obligatory and circumcised fasting, determination of the minimum limit of zakat (nisab), and its distribution. The role of mathematics related to prayer is to determine the early prayer time and the direction of Qibla. Most of the Malaysian community consists of Muslims. Certainly, in terms of prayer, the direction of the qibla is the most important thing that cannot be ignored because facing the qibla is one of the valid conditions of prayer. For a Muslim who lives in a certain place, it is not difficult to determine the direction of the Qibla, but when he is far away it may be difficult to determine the direction of the Qibla when he wants to pray.

The problem experienced now is to determine the direction of the Qibla towards the Kaaba. Therefore, trying to find the direction of Qibla is worship and at the same time a challenge in science and technology. The direction of the city of Mecca can be known from the surface of the earth, by doing some calculations, given that every point on the earth's surface is on the surface of the sphere, then Qibla direction calculation can be done with one of three spheres (sphere trigonometry).

Based on the description, this paper discusses "Mathematical Applications in Determining Qibla Direction of Tamhidi Centre Universiti Sains Islam Malaysia (USIM) by using Spherical Trigonometry". Until then to formulate the problem in this regard is: "What is meant by the direction of Qibla" and "How is the application of spherical trigonometry in determining the direction of the Qibla?". The purpose of writing is to know the meaning of the direction of the Qibla and to know the application of the sphere trigonometry in determining the Qibla direction. The limitation of the discussion is only discussed trigonometric formulas used in spherical trigonometry (spherical trigonometry) and the formula to determine the direction of Qibla.

LITERATURE REVIEW

There have been several studies related to the determination of qibla direction including by Muhammad Izdihar Afiq Nor A'zlan & Ahmad Azhan Hamizon(2019) discussed the determination of the direction of qibla using mathematical calculation methods. In these studies, two methods have been compared, are spherical trigonometry method and the vector calculus method to see which method is the best for existing data. The results by using both the spherical trigonometry method & vector calculus method are 290.8611 and 290.8967 respectively. So both methods can be used to find the direction of qibla. Another study by Maftukhah, Nurissaidah Ulinuha, Mohammad Hafiyus sholeh and Wika Dianita(2018) discussed the analysis and implementation of haversine formulas in determining qibla direction by using Spherical Trigonometry in Indonesia. The results show that by descending definitions of haversine, rules of cosine in spherical triangles, addition and multiplication rules on trigonometry and the circumference of the spherical triangle, the qibla direction can be determined.

Refer to the research by Herlina Ahmad, Febryant, Muthmainnah, Ahmad Al Yakin, and Sukadji Sarbi(2018) in The Analysis of Student Error in Solve the Problem of Spherical Trigonometry Application, the most common error made by the student is the misconception of the concept. 59.09% come from the test to calculate the direction of qibla and 68.18% from the test calculate the distance between 2 countries. The student made a mistake because of a lack of understanding of the correct concept in solving the matter of calculating the distance between two countries and the spherical triangle formula to solve the problem of calculating the direction of qibla.

According to previous research, trigonometry is a scientific method in mathematics that can be used to determine the direction of qibla. Studying the spherical trigonometry application needs students to memorise the formula and understand the concept so that students do not often make mistakes in solving the problem.

NAQLI ELEMENTS IN DETERMINING QIBLA DIRECTION

Through surah Al-Baqarah: verse 149 in the Al-Quran has explained the movement of the direction of the Muslim Qibla from Jerusalem to the Kaaba. In addition, the same thing can also be seen in surah Al-Baqarah: verse 150. An example of a verse from surah Al-Baqarah: is verse 149 which means:

"And from wherever you come out, turn your face towards Masjidil Haram. Indeed, the provision is really something that is right from your Lord. And God doesn't forget what you did."

(Surah al-Baqarah: 149)

While the argument from the hadith of Rasulullah S.A.W means:-

From Abu Hurairah r.a said: Rasulullah s.a.w said. "When you want to pray, complete ablution, then face the Qiblah, then Takbir".

(Narrated by Bukhari & Muslim)

Based on the arguments above, it has been clearly explained that the right condition for a person to pray is to face the Qiblah.

TAMHIDI CENTRE ISLAMIC SCIENCE UNIVERSITY OF MALAYSIA (USIM)

Tamhidi Centre Universiti Sains Islam Malaysia (USIM) is one of the Matriculation/Foundation level study centres chosen by SPM/Equivalent graduates to continue their studies. It is located in Nilai Negeri Sembilan, Malaysia.

SPHERICAL TRIGONOMETRY

Trigonometry is a branch of mathematics that explains the comparison of the length of the right triangle named sinus, cosinus, and tangent. Spherical trigonometry is a part of trigonometry that deals with the relationship between the sides and angles of spherical triangles. Spherical trigonometry can be applied in determining the Qibla direction. To get the appropriate Qibla direction is used Figure 1 below:

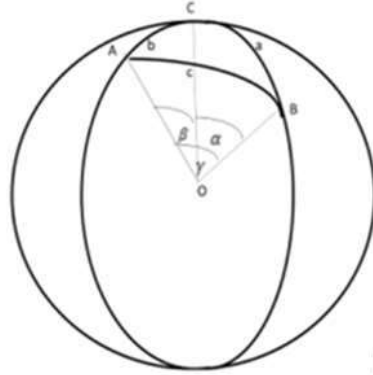


Figure 1. Spherical Trigonometry

From Figure 1 above, it can be known that the spherical triangle of ABC has lengths a, b, and c as well as angles $\angle CAB$, $\angle ABC$, and $\angle BCA$.

1. Point A refers to Makkah city as the centre of Qibla direction with specific latitude (ϕ) and longitude (λ), furthermore that can be written as ϕ_A and λ_A . Meanwhile, point B is the Tamhidi Centra USIM that will be calculated in the Qibla direction with specific latitude (ϕ) and longitude (λ), furthermore, that can be written as ϕ_B and λ_B .

2. Spherical triangles of ABC has sides whose length are a, b, and c. The length of each side can be determined by using these formulas:

$a = 90^\circ -$ the latitude of the Tamhidi Centre USIM that will be calculated in its Qibla direction $= 90^\circ - \phi_B$

$b = 90^\circ -$ the latitude of Makkah $= 90^\circ - \phi_A$

$C =$ the difference between the longitude city that will be calculated in its Qibla direction and Makkah ($\lambda_A - \lambda_B$)

So, the formula to determine the Qibla direction is:

$$\text{Cotan } B = \frac{\sin a \cotan b}{\sin C} - \cos a \cotan C$$

We will use this formula in the part of the calculation of the Qibla direction.

Trigonometry science is taught in college, with no exception at Universiti Sains Islam Malaysia (USIM). The students in USIM can determine the Qibla direction of some locations if they understand the application of spherical trigonometry.

CALCULATION OF QIBLA DIRECTION

The spherical Trigonometry calculation method was used to find the Qibla Direction for the Tamhidi Centre Nilai Negeri Sembilan. To find Qibla's direction, we need to know the value of latitude and longitude Tamhidi Centre USIM Nilai and Mecca.

Tamhidi Centre USIM Nilai Latitude $\hat{\theta}t : 2^{\circ} 59' 22.09''$

Tamhidi Centre USIM Nilai Longitude $\wedge t : 101^{\circ} 47' 1.86''$

Mecca Latitude $\hat{\theta}m : 21^{\circ} 25' 25''$

Mecca Longitude $\wedge m : 39^{\circ} 49' 39''$

* The Latitude and Longitude of Mecca are fixed (Siti Faizah (2018)).

* Local Latitude and Longitude Tamhidi Centre USIM Nilai can be found on the application USIM Mobile Staff.

Formula finding value of a :

$$\tan a = \frac{\sin (\wedge t - \wedge m)}{\tan \hat{\theta}m \cos \hat{\theta}t - \sin \hat{\theta}t \cos (\wedge t - \wedge m)}$$

$$\begin{aligned} \sin (\wedge t - \wedge m) &= \sin (101^{\circ} 47' 1.86'' - 39^{\circ} 49' 39'') \\ &= 0^{\circ} 52' 57.32'' \end{aligned}$$

$$\begin{aligned} \tan \hat{\theta}m \cos \hat{\theta}t &= \tan 21^{\circ} 25' 25'' \cos 2^{\circ} 59' 22.09'' \\ &= 0^{\circ} 23' 30.61'' \end{aligned}$$

$$\begin{aligned} \sin \hat{O}t \cos (\hat{A}t - \hat{A}m) &= \sin 2^\circ 59' 22.09'' \cos (101^\circ 47' 1.86'' - 39^\circ 49' 39'') \\ &= 0^\circ 1' 28.3'' \end{aligned}$$

$$\begin{aligned} \tan a &= \frac{0^\circ 52' 57.32''}{0^\circ 23' 30.61'' - 0^\circ 1' 28.3''} \\ &= \frac{0^\circ 52' 57.32''}{0^\circ 22' 2.31''} \\ &= 2^\circ 24' 10.28'' \\ a &= \tan^{-1} 2^\circ 24' 10.28'' \\ &= 67^\circ 24' 15.53'' \end{aligned}$$

$$360^\circ - 67^\circ 24' 15.53'' = 292^\circ 35' 44.4''$$

Qibla azimuth of Tamhidi Centre USIM Nilai = $292^\circ 35' 44.4''$ (from north).

BENEFIT TO UMMAH

The application of spherical trigonometry is able to assist people to determine and make certain of the Qibla direction, especially for people who study or work at Tamhidi Centre to perform prayers as they will be at the location throughout the day. Furthermore, students from Tamhidi Centre can apply their theoretical knowledge learnt during lectures to determine the Qibla direction. This effort ensures the integration of knowledge of Naqli and Aqli in their curriculum, hence making them Muslims who have the ability to involve science and technology in Islam. Using the spherical trigonometry method will also provide Muslims with the best calculation method needed to find the direction of qibla.

CONCLUSION

Spherical trigonometry is used to determine the direction of Qibla at Tamhidi Centre USIM Nilai Malaysia. We need to know the value of latitude and the longitude of the city of Mecca and Tamhidi Centre USIM Nilai, Malaysia first before we substitute into the spherical trigonometry formula. Hence, we calculate and find out the value of Qibla azimuth of Tamhidi Centre USIM Nilai = $292^\circ 35' 44.44''$ (from the north).

ACKNOWLEDGEMENTS

The reviewers' and editors' constructive criticism and suggestions are much appreciated by the authors.

REFERENCES

- Muhammad Izdihar Afiq Nor A'zlan, & Ahmad Azhan Hamizon. 2019. *Determination of direction of qibla using mathematical calculation methods*, Degree thesis, Universiti Teknologi MARA.
- Solikin. 2016. *Aplikasi Aturan Cosinus dan Sinus Segitiga Bola dalam Perhitungan Arah Kiblat (Sebuah Relasi antara Matematika dan Agama)*. MUST: Journal of Mathematics Education, Science and Technology. Vol. 1(2), 164-175.
- Herlina Ahmad, Febryanti, Muthmainnah, Ahmad Al Yakin, & Sukadji Sarbi. 2018. *The Analysis of Student Error in Solve the Problem of Spherical Trigonometry Application*. 1114. 012114. Journal of Physics: Conf. Series.
- Maftukhah , Nurissaidah Ulinnuha , Mohammad Hafiyussholeh, & Wika Dianita. 2018. *The Analysis and Implementation of Haversine Formulas in Determining Qibla Direction by using Spherical Trigonometry in Indonesia*. Built Environment, Science and Technology International Conference 2018.
- S. Faizah. 2018. *Aplikasi Matematika dalam Penentuan Arah Kiblat dengan Menggunakan Spherical Trigonometry*. National Proceeding of Universitas Islam Malang. 978-602-6874-83-2.

THE RESPONSIBILITY TO PROTECT DOCTRINE IN THE CONTEXT OF THE ATROCITY CRIMES IN THE OCCUPIED PALESTINIAN TERRITORIES: DOES IT APPLY?

Sameh Eissa Abdulhalim Ismail

ⁱ (Corresponding author). PhD Candidate. Faculty of Syariah and Law, Universiti Sains Islam Malaysia. sameh.eisa@yahoo.com

Abstract

After a long series of catastrophic humanitarian atrocities and the failure of the United Nation and the international community to contain, the responsibility to protect (RtoP) idea has emerged for the purpose of preventing mass atrocities from occurrence and protecting populations subjected to them. The idea has soon enshrined and adopted by the United Nation General Assembly (UNGA) by overwhelming majority voting of member states in 2005. The RtoP emphasizes that each state has a primary responsibility to protect its populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and all other states are obliged to assist the state to carry out its responsibility. When the state, deliberately or weakly, fails to protect its population then the international community has a responsibility to protect the populations through both; non-coercive and, in extreme situations as a last resort through the Security Council, militarily intervention (UN General Assembly, 2005). Although heavily criticized, RtoP was explicitly invoked in numerous Security Council (SC) resolutions and most prominently in the case of Libya 2011. The case in concern in this study is one of a tremendously complicated situations that largely overlooked, namely the link between the RtoP and the likely enduring atrocity crimes within the Occupied Palestinian Territories (OPTs); Gaza from frequent war rounds and the blockade, and West Bank alleged continuous apartheid, persecution, and ethnic cleansing. The aim of this study is to determine whether or not the responsibility to protect is applicable for the protection of civilians in interstate crises such as the case of the Occupied Palestinian Territories (OPTs) according to the international law.

Keywords: *International Law*

INTRODUCTION

The ongoing alleged atrocity crimes perpetrated in both Gaza strip and West Bank under the occupation invoke questions about the RtoP, especially, the eruption of recurrent wars between Israeli forces and resistance factions in Gaza, such as the recent round few months ago (Humaid, 2022). the question of the RtoP applicability has been arisen, particularly during the ‘Operation Protective Edge’ offensive on Gaza (Hehir, 2014). The International Coalition for the Responsibility to Protect (ICRtoP) addressed the situation in light of the RtoP. While acknowledged that many of violations to the international humanitarian law in the then recent operation in Gaza suggest hitting the threshold of war crimes, the ICRtoP submitted that the determining factor to the RtoP applicability is the legal status of Gaza strip, considering the “RtoP’s applicability to atrocities committed within a state’s borders”. The ICRtoP then elaborated that if Gaza is occupied then the responsibility to protect populations rests on the two parties of the conflict; namely, Israel and Hamas to the extent of “effective control” each has for protection. However, if Gaza is independently govern by Palestinian authority or Hamas, then the conflict must be seen as an international armed conflict—between two states, where each state is responsible under RtoP to prevent atrocity crimes within its borders, yet “RtoP would not be applicable for the protection of civilians across borders in the crisis” (ICRtoP, 2014). The said ICRtoP statement created discussions that explicitly indicate contradictions in understanding and interpretation of the RtoP principal, especially its scope of work. For example, Megan Schmidt, at the ICRtoP, adopted the same and considered Gaza legal status is “central” to the applicability (Schmidt, 2014). James P. Rudolph stated that “neither Israel nor Gaza is engaging in excessive force against its own population, so R2P, while an attractive prism through which to view the conflict, seems not to apply.” (Rudolph, 2014). David Rieff, while acknowledged that there is not a “clear-cut” answer to the RtoP’s applicability question, but it’s clear that RtoP “only applies to intra-state wars” (Rieff, 2014). On the contrary, Dr Aidan Hehir found that despite Paragraph 138 refers directly to the state internal responsibility, in Paragraph 139 it’s not with same clarity. He noted that the wording doesn’t arguably preclude interstate conflict. (Hehir, 2014). Simon Adams, at GCRtoP, stated that “At the heart of R2P is a global commitment to protect people, regardless of ethnicity, religion or statehood (or lack thereof), from crimes that offend and diminish us all as human beings; as Ban Ki-Moon insists, that the R2P applies everywhere and at

all times. That includes Israel and Gaza” (Adams, 2014). Through this study, a vigorous analysis of the RtoP scope, setting its position in international law and critically assessing the so called “RtoP’s inapplicability in interstate crisis” will be of high productivity, not only for preventing or halting atrocity crimes within the OPTs and other interstate crises, but also for better and accurate understanding the RtoP itself.

RESEARCH QUESTIONS

- 1) What is the Responsibility to Protect doctrine, its scope and limitation under International law?
- 2) Does the Responsibility to Protect apply in interstate crises?
- 3) How the Responsibility to Protect doctrine can be possibly applied in the Occupied Palestinian territories —West Bank and the Gaza strip?

RESEARCH OBJECTIVES

- 1) To define the responsibility to protect doctrine, trace its background, emergence, and adoption, set its boundaries and limitations.
- 2) To investigate the extent of the Responsibility to Protect applicability in interstate crises.
- 3) To determine the applicability of the Responsibility to Protect doctrine in the OPT’s crisis context, namely, the West Bank and Gaza.

RESEARCH METHODOLOGY

The research aims at understanding the RtoP doctrine, its nature and scope of work, how it emerged, adopted and applied, in addition to its relationship with the international humanitarian law when atrocity crimes occur in interstate crises and eventually determining whether or not it can be applied in the context of the OPTs. As such, the study will carry out research into the RtoP doctrine through collecting the available secondary data—the authoritative materials and non-authoritative sources, analysis of articles 138 and 139 of the UN world summit outcome and other relevant resources then interpretation with the application of power of reasoning to draw a tentative conclusion that portrait answers to the research questions. The selected methodology for achieving the research objectives is the doctrinal legal research. According To Ian Dobinson and Francis Johns, as cited in (Kharel, 2018) “Doctrinal or theoretical legal research (...) [is] concerned with analysis of the legal doctrine and how it has been developed and applied (...) this type of research is also known as pure

theoretical research. It consists of either simple research directed at finding a specific statement of the law or a more complex and in-depth analysis of legal reasoning". According to Paul Chynoweth as cited in (Kharel, 2018)" doctrinal legal research is concerned with the formulation of legal "doctrines" through the analysis of legal rules (...) legal doctrines clarify ambiguities within rules, place them in a logical and coherent structure and describe their relationship to other rules. Deciding on which rules to apply in a particular situation is made easier by the existence of legal doctrines". This doctrinal legal methodology aims at collecting, organizing, describing, and commenting on the relevant sources. After that, it will look for and interpret the underlying theme. This study is going to rely on primary sources of data from the UN Charter, the Hague convention, and its additional protocols, Geneva convention, UN world summit outcome document, Security Council resolutions, International Court of Justice (ICJ) and relevant international tribunals. In addition, reports and documents from Non-Governmental Organizations (NGOs) such as Human Rights Watch (HRW), International Organizations (IOs) like the United Nation and the African Union (AU), The European Union (EU) The United Nation Human Rights Council (UNHRC). Media and newspaper reports that are relevant to support the research inquiry will be gathered as well.

LITERATURE REVIEW

The literature shows controversiality when it comes to the RtoP; its nature, scope, positioning in international law, inconsistency of applications and the associated structural issues of the United Nation and Security Council. In addition to the said controversiality, the link between the RtoP and the OPTs added more complexity due to the nature of conflict, the occupation, and most critically, the so-called inapplicability of RtoP in interstate crises. At this end, the researcher has explored a broad and extensive literature review research on the responsibility to protect—its background, emergence, adoption, and its relation with the international law, and all the available literature that links the responsibility to protect with the occupied Palestinian territories. However, the issues related to the RtoP are typically endless and inexhaustible. Therefore, for the purpose of this conceptual paper, the researcher has briefly listed some relevant literature and sub headed to 3 main areas as follows:

The emergence and adoption of the responsibility to protect

the RtoP emerged as a demonstration of international “dismay” at the human atrocities of the 1990’s (Garwood-gowers, 2013). In that context, there was a heated debate on the “humanitarian intervention”— where a state or group of states or international organization threat to or use force for a primary purpose of protecting nationals of other state who are subjected to massive human rights violations or deprived from internationally recognized human rights with or without permission from the targeted state or the international community (Murphy, 1996). humanitarian intervention was highly problematic; where opponents considered it as an assault on sovereignty and non-interference principals and served as a political instrument covered by international law to allow the big powers (Global North) to intervene in developing countries (Global South) (Mani & Weiss, 2011). In addition, in practice, the actual instances of both interventions and the inaction generated much criticism (Evans, 2009). After the failure of action in catastrophic humanitarian crises, especially in Rwanda, the idea of the RtoP emerged to achieve a balance between the “acting” for protection and sovereignty principal. Gareth Evans asserted that the idea of RtoP has emerged after the famous question posed by Kofi Anan in 2000 questioning possible responses to atrocity crimes without humanitarian intervention’s assault on sovereignty after the 90’s “fierce argument” (Evans, 2009b). As a response, International Committee on Intervention and State Sovereignty (ICISS) was established and produced a report titled *The Responsibility to Protect* shifting the notion “right to intervene” by powerful state into other states to the responsibility of all states—a focus on the protection, not the intervention, on the gravity of violations and consequences, on the prevention as a front priority... (Evans, 2009b).

The responsibility to protect and the international law

Alex J. Bellamy noted that “the RtoP principle rests on three equally important and non-sequential pillars” and “there is no such thing as an 'RtoP event or crisis' in that there is no moment at which something becomes relevant to RtoP” indicating that “it is not the nature of the responsibility that changes, but the most appropriate means of preventing” atrocity crimes from occurring and protecting civilians in server situations. Bellamy then argued that “the RtoP is best understood as a political commitment to act upon shared moral beliefs,” yet “much of which is embedded in already existing

international law” which still indicates some legal aspects. He identified two sets of commitments entailed in the RtoP: the first is considered “Jus Cogens”, which is the obligation of state to its populations, the second is “much less well defined legally” – the obligation of international community. Building on the ICJ ruling in Bosnia vs. Serbia and the 1949 Geneva Conventions Bellamy considered that the responsibility of encouraging states to fulfil their responsibility includes “a legal obligation to take positive action to prevent genocide on the part of states that have influence and information”, and that there is an obligation of assistance for those states with capacity to do so. Bellamy concluded first that “RtoP is best understood as a political commitment to implement and act in accordance with the already existing legal obligations that states owe to their own populations and-importantly-to the populations of countries they deploy their armed forces into.” And “a combination of the RtoP principle and the Bosnia v. Serbia ruling” together with the “emerging trends spearheaded by the ILC and ICJ” indicate an emerging legal duty to intervene decisively to prevent and halt genocide and atrocity crimes” (Bellamy & Reike, 2010)

Luke Glanville explained that the phrase “responsibility to protect” generates “confusion” as the word “responsibility” suggests “a duty or obligation” while in international law terminology it often indicates to “accountability for violation of a duty or obligation, or to the scope of authority of a given actor”. Contrary to the state primary responsibility, the collective responsibility by international community to assist the state in question in achieving the protection and to protect the population if the state is manifestly failing in doing so, which he considered a “far more significant challenge to accepted principles of international law”. He also brought the notion that the international community “may rightfully hold states to account for the performance” of the protection duty and considered it as a “well-established” and while the RtoP doesn’t itself establish a legal obligation in the part of collective responsibility, the recent development of the customary law does provide grounds for some RtoP aspects. Dorota Gierycz noted that the adoption of the RtoP was made as a General Assemble resolution, which is under international law has different consequences from a treaty that comes to effect upon a required number of ratifications and concluded that “the responsibility to protect clause needs to be recognised as an opportunity to give force to the implementation of the underlying human rights instruments, which too often

remain on paper or are not supported by sufficient national legislation and enforcement” (Gierycz, 2010).

The responsibility to protect and the occupied Palestinian Territories

Megan Schmidt, at the ICRtoP, considered Gaza’s legal status is “central” to the applicability (Schmidt, 2014). James P. Rudolph stated that “neither Israel nor Gaza is engaging in excessive force against its own population, so R2P, while an attractive prism through which to view the conflict, seems not to apply.” (Rudolph, 2014). David Rieff, while acknowledged that there is not a “clear-cut” answer to the RtoP’s applicability question, but it’s clear that RtoP “only applies to intra-state wars” (Rieff, 2014). On the contrary, Dr Aidan Hehir found that despite Paragraph 138 refers directly to the state internal responsibility, in Paragraph 139 it’s not with same clarity. He noted that the wording doesn’t arguably

CONCLUSION

Upon reviewing a vast range of literature on the responsibility to protect, it has been found that there is a clear scarcity of research on the RtoP’s applicability for protecting populations from genocide, war crimes, ethnic cleansing, and crimes against humanities resulting from an international conflict, as in the case of the Occupied Palestinian Territories (OPTs). Stated differently, the RtoP’s applicability in an interstate conflicts— where the perpetrator of the crimes and victims don’t belong to the same state— as in occupation and international armed conflicts. The example of the OPTs, shows a controversy that clearly unfold gray areas in understanding the RtoP and its scope of work, which seems to be the core element of the RtoP principal. These gray areas are likely stemming from the lack of a clear definition of the RtoP, the ambiguity of the wording of paragraphs 138 and 139 of the World Summit Outcome Document.

SCOPE AND LIMITATIONS

the researcher has limited the scope for this study by focusing on the RtoP principal, its nature, scope, limitation, background, present, and legal bases in international law and its relation to international humanitarian law to determine whether it’s applicable in the OPTs. As such, the study is not planned to investigate the severity and gravity of the atrocity crimes perpetrated within the OPTs and whether it exceeded the threshold of

the four major crimes associated with the RtoP, it would rather build on the already existing reliable investigations and reports of UN and NGOs—assuming its de facto occurring in both West Bank and Gaza strip. Although the jus ad bellum, the jus in bello, statehood, non-state actor, self-determination and self-defence are relevant topics to the research concerns, yet they fall beyond the research framework. However, contextual ties will be included as necessary

RESEARCH SIGNIFICANCE

This study will generate awareness to the peoples, The UNSC, UNGA, the international community, international actors, regional organizations on understanding the RtoP and its relevancy to international law and its role in protecting populations from the most serious violations, especially in situations of occupation and armed conflicts. As such, the study provides a new perspective in approaching the historical Palestinian crisis through the applicability of the RtoP, as well as similar cases of crises. It will provide a valuable information for the RtoP advocates, NGOs, and human rights activists to foster their further works. It may persuade the Palestinian authority, the Israeli forces, and Hamas to prioritize civilians' protection, stop the ongoing violations and take effective measures to prevent its reoccurring. The study will benefit the Palestinians in West Bank and Gaza strip who have been subjected to a grave violations and abuses since the occupation started in 1967. The findings of this research can be utilized by future researchers on discussions and studies that cover the RtoP capabilities and possible practical ways of its application in the OPTs and other similar situations.

REFERENCES

- Evans, G. (2009a). The Responsibility To Protect_ Ending Mass Atrocity Crimes Once and for All _ Crisis Group. 20, 7–13.
- Evans, G. (2009b). The responsibility to protect: Ending mass atrocity crimes once and for all. In *Irish Studies in International Affairs* (Vol. 20, Issue 1, pp. 7–13). <https://doi.org/10.3318/ISIA.2009.20.7>
- Garwood-gowers, A. (2013). THE RESPONSIBILITY TO PROTECT AND THE ARAB SPRING : LIBYA AS THE EXCEPTION , SYRIA AS THE NORM ?
- Gierycz, D. (2010). The Responsibility to Protect: A Legal and Rights-based Perspective. *Global Responsibility to Protect*, 2(3), 250–266. <https://doi.org/10.1163/187598410x500381>

- Glanville, L. (2011). ON THE MEANING OF ' RESPONSIBILITY ' IN THE ' RESPONSIBILITY TO PROTECT ' Luke Glanville * The ' responsibility to protect ' (RtoP) concept has emerged rapidly over the last decade to take a prominent place in international discussions about the protect. 20.
- Hehir, A. (2014). "Is Gaza in Israel?" R2P and Inter-State Crises | Middle East Centre. <https://blogs.lse.ac.uk/mec/2014/07/23/is-gaza-in-israel-r2p-and-inter-state-crises/>
- Israel hits Gaza with air attacks as tensions escalate | Gaza News | Al Jazeera. (2022). Retrieved August 31, 2022, from <https://www.aljazeera.com/news/2022/8/5/israel-hits-gaza-with-air-strikes-as-tensions-escalate>
- Kharel, A. (2018). Doctrinal Legal Research. 252(January). <https://doi.org/10.2139/ssrn.3130525>
- Renewed Conflict in Gaza Leads to Urgent Calls for Ceasefire. (2014). <https://us2.campaign-archive.com/?u=8758bcde31bc78a5c32ceee50&id=ca79b90e49&e=1140a6d675>
- UN General Assembly. (2005). General Assembly Resolution 1, UN GA, 60th Session, 2005 World Summit Outcome, 16 September 2005,. October, A/RES/60/1. <http://undocs.org/A/RES/60/1>
- Adams, S. (2014). Both Israel and Hamas have a Responsibility to Protect Civilians | Middle East Centre. <https://blogs.lse.ac.uk/mec/2014/07/25/both-israel-and-hamas-have-a-responsibility-to-protect-civilians/>
- Jovanović, M. A. (2015). Responsibility to Protect and the International Rule of Law. Chinese Journal of International Law, 14(4), 757–776. <https://doi.org/10.1093/chinesejil/jmv042>
- Sarkin, J. (2018). Is the Responsibility to Protect an Accepted Norm of International Law in the post-Libya Era? Groningen Journal of International Law, December, 11. <https://doi.org/10.21827/5a86a6f8d93bb>
- Schmidt, M. (2014a). The Israeli-Gaza Crisis and the Responsibility to Protect: Does the norm apply? | Middle East Centre. <https://blogs.lse.ac.uk/mec/2014/07/23/the-israeli-gaza-crisis-and-the-responsibility-to-protect-does-the-norm-apply/>
- Rieff, D. (2014, July 25). R2P Isn't a Useful Framework for Gaza – or Anything | Middle East Centre. <https://blogs.lse.ac.uk/mec/2014/07/25/r2p-isnt-a-useful-framework-for-gaza-or-anything/>

Rudolph, J. P. (2014). Gaza and Israel – A Case for International Humanitarian Law, Not R2P | Middle East Centre. <https://blogs.lse.ac.uk/mec/2014/07/24/does-r2p-apply-to-civilians-in-gaza-and-israel/>

Kearney, M. (2014). In Palestine, R2P isn't Dead. It Could Never Have Existed. | Middle East Centre. <https://blogs.lse.ac.uk/mec/2014/07/24/in-palestine-r2p-isnt-dead-it-could-never-have-existed/>

DISCRIMINATION VERSUS INTEGRATED DEVELOPMENTAL MODEL: COMPARISON BETWEEN TWO COUNSELING SUPERVISION THEORIES

Mohd Khairul Anuar Rahimi ⁱ

ⁱ (Corresponding author). Faculty of Leadership and Management, Universiti Sains Islam Malaysia.
khai@usim.edu.my

Abstract

There are many different counselling supervision theories, however two of the most widely used theories are the Discrimination Model and the Integrated Developmental Model. The goal of supervision is to produce competent counsellor, so an outline of supervisee behaviours is created by the supervisor for them to establish counsellor competency. The goal of this paper is to compare and contrast the two different theories especially with related to its applicability in the Malaysian context. Further research is needed in order to fully understand the applicability of both theories in Malaysia.

Keywords: *Discrimination Model; IDM Model; counselling supervision*

INTRODUCTION

The discrimination model is a theoretical approach used to help supervisors become more direct and purposeful with their supervisees (Bernard, 1979). It is called the discrimination model because a “dominant characteristic is the identification and action upon choice points in the process” (Bernard, 1979, p.60). Supervision is a complex process that Bernard (1979) attempts to simplify by using a holistic approach to supervision training that focuses on the behaviours of the supervisees and providing guidelines that could be used during supervision.

I would compare the Discrimination Model with the Integrated Developmental Model (IDM) for the purpose of this paper. The IDM is classified under the developmental model of supervision. Developmental models started out as a branch of developmental models of counselling and psychotherapy, as there was a need to develop supervision models that could be used for supervision rather than just being

just being an extension of counselling approaches that was used previously. Therefore, Stoltenberg and McNeil (1997) argued that a model that is idiosyncratic to the supervision context has to be developed by counsellor educators. Earlier studies have suggested that developmental models developed at the time are “simplistic and vague” (Russell et al., 1984 as cited in Stoltenberg & McNeil, 1997). The models also do not take into account their developmental levels, as sometimes even more advanced supervisees may need supervision conditions which are normally used for beginning supervisees (Stoltenberg & McNeil, 1997). While the discrimination model focuses on the task of the supervisor to attend to the functions and behaviours needed by their supervisee to become a competent counsellor, Stoltenberg and McNeil (1997) believes that supervisors need to constantly attend to the specifics of supervisee developmental levels and environment.

GOAL OF SUPERVISION

The goal of supervision is to produce competent counsellor, so an outline of supervisee behaviours is created by the supervisor for them to establish counsellor competency (Bernard, 1979). Therefore, the task of a supervisor in the discrimination model is to define what is a competent counsellor practitioner and the skills or functions involved in reaching that level (Bernard, 1979). Bernard (1979, 1997) divided the foci of supervision into three different areas: (a) intervention skills (also called process), (b) conceptualization skills, and (c) personalization skills. The foci of supervision represent the first dimension of the discrimination model, with the second dimension being represented by the role of supervisors (which I will talk about later under role of supervisor). Intervention skills refers to any observable skills that has been used by the supervisee, for example empathy and confrontation skills. Conceptualization skills refers to the covert behaviour of a supervisee’s understanding of what is happening during a counselling session. This could occur when the supervisee is choosing an appropriate response to what the client is saying, for example whether to reflect or to confront their statements. Finally, the third skill of personalization refers to the personal characteristic that all supervisee has, and is the most unique of all three areas of foci. An example would be counter transference by the supervisee when dealing with an issue that they regard to be personal to them.

What makes discrimination unique from other models in supervision is the central focus on addressing the supervisee in the activity of conducting a counselling session rather than focusing on their internal reality (Bernard, 1997). This focus comes because Bernard (1997) believed that much more happened in counselling than one could attend to, so supervisor's focus should be on helping the supervisee in the counselling process. The discrimination model is also very flexible and integrates many different models of supervision. For example, Bernard (1997) encouraged the use of the discrimination model with developmental models of supervision. She argued that developmental models addressed more specific needs of trainees at different points of their development, therefore it can assist the supervisor in more purposefully using the discrimination model. She also argued that the developmental models have specific information that could aid in the roles that supervisors could use during supervision. For example, novice trainees usually prefer using a more structured approach to supervision, so using a teacher role early during supervision may be the most efficient guide for supervisees when they are confused about what they are practicing during counselling.

Stoltenberg and Delworth (1987) formally developed the model of IDM based on previous perceived weaknesses of earlier developmental models. Stoltenberg and McNeil (1997) argued that the complicated process of supervision warrants a need for a more complex model as earlier developmental models "lack the elegance to capture important aspects of the process" (p. 187). So, the IDM combines two different categories into its model: a linear stage of theory (similar to Piaget) and a conflict resolution model. Both of this is called the organismic (linear stage) and mechanistic (conflict resolution) categories of the IDM model (Stoltenberg & McNeil, 1997). Both are used as a step-by-step approach in addressing issues with supervisees, by handling task and conflict resolution (mechanistic development) within an overall linear stage model (organismic) to spur the development process of supervisees (Stoltenberg & Delworth, 1987). IDM is unique because of the transition-like issues that occur between levels, unlike other developmental models that were developed earlier (Stoltenberg & McNeil, 1997).

ROLE OF SUPERVISOR

In the discrimination model, it is important for the supervisor to interact with their supervisee in ways that are productive to learning and improving clinical skills (Bernard, 1997). This role used by supervisors during supervision falls under the second dimension of the discrimination model that could enhance supervisee development (Bernard, 1997), so the supervisor might respond to situations in 9 different ways (3 foci vs 3 role) (Bernard & Goodyear, 2014). This is called the 3 x 3 matrix of possible choices that could be used by supervisors (Bernard, 1997; Bernard & Goodyear, 2014). Bernard (1979) stated that the role used by the supervisor should be a deliberate choice, and supervisor must be trained to recognize and make these choices based on a strong rationale justification and not based on their personal preference (Bernard, 1979).

According to Bernard (1979, 1997), the three basic roles are: (a) teacher-student approach, (b) counsellor-client approach, and (c) consultant approach. The three roles might be viewed in terms of their goals and what the supervisee needs. As a teacher, the supervisor provides knowledge or expertise to the supervisee. In a counsellor role, the supervisor becomes a counsellor to help the supervisee overcome any nervousness or self-doubt that could impede their natural development as a counsellor.

There are two ways to view the role of the supervisor: “(a) each supervisor statement can be analysed using the three role definitions, and (b) the roles can be viewed more globally as metaphors for the entire interaction” (Bernard, 1997, p. 312). An example of this would be a supervisor helping a struggling Level 1 supervisee by using the consultant role more rather than using a more direct teaching role. The supervisor uses “teacher” as his or her metaphor, but the supervisor’s discussions with the supervisee still focuses too much on using “consultant” statements as part of the teaching responses in an effort to be appear more democratic to the supervisee. This only sets the supervisee up for failure as he or she do not possess the insight to conceptualize counselling cases yet. This is seen as the supervisor considering both role as metaphor and as individual response (Bernard, 1997). By not expertly choosing the roles, it could impact a supervisor’s insight into the supervisee’s work. This is perfectly illustrated by Bryne and Sias (2010) who applied the discrimination model in an adolescent residential treatment setting among direct care workers. They found that more experienced direct care workers prefer a consultant role for their supervisors,

while newer workers who prefer guidance and structure would benefit more from the counsellor or teacher role.

A supervisor should also consider using more than one role when interacting with their supervisee as this could limit the supervisor's repertoire and indirectly their impact on the supervision process (Bernard, 1997). For example, it could be argued that using when a supervisee feels uncomfortable working with a client, using a personalization (counsellor) approach is the logical counsellor role to take. However, a more direct intervention process (teacher role) could also be beneficial, as providing supervises with different intervention types that could be used with the client would help with the supervisee's discomfort as the adequate solution has already been provided by the supervisor (Bernard, 1997).

In terms of the relationship, there are multiple aspects that needs to be taken into considerations by a supervisor. According to Bernard (1979), supervisors tend to rely heavily on the role that they feel most comfortable with. Bernard (1979) further stated that taking the teacher role seems to be the most common method used by supervisors because it is the role that most supervisors feel comfortable with. Bernard (1979) called this the supervisor's "idiosyncratic style". With the use of the discrimination model, supervisors would have to build upon their existing idiosyncratic style by becoming more familiar with contrasting roles and using the information they have of the situation and their supervisee in choosing the most appropriate roles to be used (Bernard, 1979).

While the discrimination models offer a lot of flexibility in terms of the roles that could be used by a supervisor, it is different in IDM as it is dependent on which levels that the supervisee is at, whether it is Level 1, Level 2 or Level 3 (Fitch & Marshall, 1998). In the three different levels in the IDM model, the transition that occurs across levels changes the characteristics and behaviour of the supervisee, and changes the approach used by the supervisor. Stoltenberg (1997) and Stoltenberg and McNeil (2009) stated that changes must be made to the supervision environment to enhance their development according to the different challenges involved in each level. There is a noticeable change from Level 1 to Level 3, with the supervisor becoming less direct further along the process. In Level 1, the supervisors' role is to provide all the essential introductory information to their supervisees about the counselling process. This would

allow them to conceptualize counselling cases and assist them in making a proper assessment, but at the same time avoid going too deeply into issues which can only confuse supervisee at this level (Stoltenberg and McNeil, 2009). However, in Level 2 (characterized as “trial and tribulation” by Stoltenberg) an uncertainty towards dependency and autonomy serves as the primary conflict for supervisees. Supervisees would become more assertive in defending their own ideas at this level and may resist discussing some cases with their supervisor when they feel that there could be potential disagreement between them (Stoltenberg & McNeil, 2009). Motivation could also be affected, as having more difficult clients could have them questioning their counselling ability. So, a fluctuation of their confidence is expected. The supervisors’ role in Level 2 is to provide supervisees with a good balance of structure and support while also fostering challenge and independence to support their confidence levels. Using only directive methods could be met with resistance in Level 2. In Level 3 (called “the calm after the storm”), most of the structure of the supervision process is provided by the supervisee. As the supervisee already possesses a variety of intervention skills and strategies across diverse client populations, the supervisors could provide some challenge to the supervisee to help them better integrate interventions with their treatment plans so they could become more flexible within sessions (Stoltenberg, 1997). The supervisor avoids a highly structured supervisory environment (Stoltenberg & McNeil, 2009) as the focus is for the supervisor to carefully assess consistency in the supervisee’s performance across domains, identifying any deficits in it and move towards integration across the different domains (Stoltenberg & McNeil, 1997). Monitoring of the counselling sessions, progress notes and assessment reports become vital in Level 3.

The supervisor is also more structured and systematic in the IDM when compared with the discrimination model. Supervisors are expected to follow the levels of development of their supervisee in the IDM, but the area of focus in the discrimination model is more holistic and situationally based (Fitch & Marshall, 1998). Supervisors should be aware of the methods they used in supervision. As has been stated earlier, the amount of structure used in IDM generally decrease as supervisees develop (Stoltenberg & McNeil, 2009). High levels of structure help control the supervisees anxiety and provide them with direction, but as supervisees develop, they take responsibility for their own learning and growth. Stoltenberg and McNeil (2009) stated five supervisory interventions that could be used by supervisors, explained in

terms of its use and when to use it (a) Facilitative – Using communicative support and encourage development of supervisee, this could be used throughout any developmental levels, (b) Prescriptive – Used to provide specific input and direction to supervisees, and especially useful during Level 1, (c) Conceptual - Linking theory to practice, used intermittently during Level 1, and further solidifying it in Level 2, (d) Confrontive – Used to help supervisees gain confidence in their skills, and found to be more useful in Level 1, but could also be useful when their motivation wanes, and (e) Catalytic – Expanding supervisees awareness, appropriate for Level 2 and 3 in expanding their awareness of themselves, clients, and the therapeutic process.

MULTICULTURAL APPLICATIONS

Both the discrimination model and the IDM do not take into account multicultural applications when they were originally developed, but more recent writings and study have incorporated multicultural aspects into both supervision models. Discrimination model focuses on encouraging the supervisor to consider to a range of responses and to discriminate among them for the supervisee's maximum development (Ancis & Ladany, 2010), but it is not built into the model itself because of its "a cultural" approach (Bernard, 1997, p.324). This does not mean that the model itself deny any cultural influences, as Bernard (1997) explains that a supervisor's cultural awareness must be infused into its use. For example, the use of personalization skills category in discussing the relevance of culture. According to Bernard (1997), personality is one area that is often confused with a person's cultural background, so supervisors must be aware of this when they evaluate a supervisees' personalization skills. A supervisees behaviour must be evaluated accordingly and not out of context and take into account the dynamics of the counsellor-client and the counsellor-supervisor interaction. Supervisors should take a "respectful inquiry rather than an evaluative posture" when discussing multicultural issues with their supervisees (Bernard, 1997, p. 324). Finally, Bernard (1997) talks about the importance of taking a holistic perspective when discussing about culture, which means that it is not just about race/ethnicity but also other factors such as gender, socioeconomic status and anything else that could be considered to be a cultural group.

Stoltenberg and McNeil (1997) acknowledge the importance of working with supervisees from a multicultural perspective. This is specifically addressed using one of the domains in the IDM model, the individual differences domain (Stoltenberg & McNeil, 2009). Stoltenberg and McNeil (1997) stated that IDM supervisors need to have special training to meet the supervisory needs of their supervisees who come from different races, ethnicity, gender, and sexual identity. It is important in IDM for all supervisors to take responsibility to create a supervisory relationship and create an environment where multicultural issues can be dealt with openly. Therefore, supervisors must be knowledgeable with regards to issues of diversity when working with supervisees.

Some literatures have suggested that IDM could be applicable for use with multicultural populations. Aten and Hernandez (2004) stated the applicability of the IDM model for use with religious supervisees. They stated that one of the domains in IDM specifically mentions individual differences, so supervisors help supervisees approach religious issues and clients with multicultural sensitivity. Based on demographic information, supervisors could develop supervisee multicultural sensitivity so that religious differences become readily understood. Therefore, in IDM it is the task of the supervisors to promote case conceptualizations that include religious issues and themes. It is also important to consider some specific populations such as individuals with eating disorders. Boei and Lopez (2011) suggested supervisees provide assessment and treatment that takes into account multicultural factors when using the IDM for eating disorders. Supervisors using IDM play a vital role to always be aware, continually increase knowledge and support the use of culturally appropriate interventions when their supervisees are working with multicultural clients (Boei & Lopez, 2011).

CONCLUSIONS

Counselling supervision is a complex interaction between the supervisor and the supervisee. This paper summarizes the two main approaches in counselling supervision, mainly the discrimination model and the IDM model. The aim of this

paper is to provide an in-depth understanding of the two theories and its applicability in a multicultural context. Unfortunately, there are very little research being done on its applicability in a Malaysian context. Therefore, it is hoped that counsellor practitioners and researchers in Malaysia do more research with regards to its use so that its applicability in Malaysia can be understood.

REFERENCES

- Ancis, J. R., & Ladany, N. (2010). A Multicultural Framework for Counselor Supervision. In N. Ladany and L. Bradley (Eds.). *Counselor Supervision (4th ed.)*. New York, NY: Routledge.
- Aten, J. D., & Hernandez, B. C. (2004). Addressing Religion in Clinical Supervision: A Model. *Psychotherapy: Theory, Research, Practice and Training, 41*(2), 152-160.
- Bernard, J. M. (1979). Supervision Training: A Discrimination Model. *Counselor Education and Supervision, 19*, 60-68.
- Bernard, J. M. (1997). The Discrimination Model. In C.E. Watkins (Ed.). *Handbook of psychotherapy supervision* (pp. 310-327). New York, NY: Wiley.
- Bernard, J. M., & Goodyear, R. K. (2014). *Fundamentals of clinical supervision (5th ed.)*. New Jersey, NJ: Pearson.
- Boei, I., & Lopez, A. (2011). Supervision of Counselors Working with Eating Disorders: Utilizing the Integrated Developmental Model. *The Clinical Supervisor, 30*, 215–234.
- Bryne, A. M., & Sias, S. M. (2010). Conceptual Application of the Discrimination Model of Clinical Supervision for Direct Care Workers in Adolescent Residential Treatment Settings. *Child Youth Care Forum, 39*, 201-209.
- Cormier, L. S., & Bernard, J. M. (1982). Ethical and Legal Responsibilities of Clinical Supervisors. *The Personnel and Guidance Journal, 60*, 486-490.
- Fitch & Marshall (1998). A Comparison of Bernard's Discrimination Model and Nance's Developmental Model of Supervision: An Application to the Preparation of Graduate Students on Counseling Programs. *Journal of Professional Counseling: Practice, Theory, and Research, 26*(1).
- Stoltenberg, C. D. (1997). The Integrated Developmental Model of Supervision: Supervision Across Levels. *Psychotherapy in Private Practice, 16*(2).

- Stoltenberg, C. D. (2005). Enhancing Professional Competence Through Developmental Approaches to Supervision. *American Psychologist, 60*, 857-864.
- Stoltenberg, C. D., & McNeil, B. W. (1997). Clinical Supervision from a Developmental Perspective: Research and Practice. In C.E. Watkins (Ed.). *Handbook of psychotherapy supervision* (pp. 184-202). New York, NY: Wiley.
- Stoltenberg, C. D., & McNeil, B. W. (2009). *IDM supervision: An integrative developmental model for supervising counselors and therapists*. New York, NY: Routledge.

LEARNING AFTER 60; EMPOWERING ELDERLY RIGHTS TO EDUCATION

Mashitah Abdul Mutalib ⁱ, Nur Al-Farhain binti Kamaruzaman ⁱⁱ & Nur Aina Abdulahⁱⁱⁱ

ⁱ (*Corresponding author*). Senior Lecturer. Faculty Syariah and Law, Universiti Sains Islam Malaysia.
mashitahmutalib@usim.edu.my

ⁱⁱ Senior Lecturer. Faculty Syariah and Law, Universiti Sains Islam Malaysia. farhain@usim.edu.my

ⁱⁱⁱ Senior Lecturer. Faculty Syariah and Law, Universiti Sains Islam Malaysia.
nuraina.abdulah@usim.edu.my

Abstract

Malaysia should focus on the elderly agenda before facing the status of an aging nation by 2030. Thus, there is a need to re-imagine the future of quality aging in Malaysia to provide proper avenues for older persons to lead a quality life. One of the ways in ensuring quality aging amongst the elderly is through education or learning at a later stage. Nevertheless, learning has not been the priority agenda for the senior citizens in Malaysia. This study, therefore, focuses to analyse the education rights and lifelong learning policy for senior citizens. This study is conducted using qualitative legal study, through document analysis. The outcome of this study shall assist the authority, government agencies, community, and non-governmental organisations (NGOs) in making education and learning the main agenda in ensuring active aging amongst the elderly in Malaysia. Studies on how to facilitate Malaysian elderly in exercising their rights to education are recommended to be explored in the future.

Keywords: Education, elderly, aging nation, rights

INTRODUCTION

By the year 2030, Malaysia may become an aging nation (Harun et al., 2020; KPWKM, 2011) with the increase of elderly population in Malaysia (Md Nor & Ghazali, 2021). There are various issues and problems surrounding older people in Malaysia such as the inefficiency of the healthcare system to care elderly, financial problem after retirement, the need for dependable infrastructures, the need for social support (Abdul Kadir et al., 2022) and financial abuse (Che Amani et al., 2021). There are several supporting institutions initiated to cater to the needs of the elderly such as private care

centres, voluntary welfare organisations, Activity Centre for Older Persons (PAWE), and so on. Although there are existing support and assistance from the government for older people, it is claimed that the knowledge and awareness of this are still low (Rahimah et al., 2017). Social factors such as living arrangements, social participation, and social support influenced the quality of life of the elderly (Khan & Tahir, 2014). Consequently, greater awareness and knowledge of their rights and policies governing their matters shall encourage senior citizens to lead a quality life.

Learning for the elderly is not confined merely to formal education in formal learning institutions. Classes on languages, skills and religious are amongst the programmes that may invite interest of elderly in learning at a later stage. The motivation for learning in the golden age is in line with Islamic principles as adult education is a lifelong learning process from cradle to grave secondly learning repeatedly was the practice of the Islamic community in the past and thirdly, learning society is recommendable in Islam (Abdul Razak et al., 2017).

Since providing good quality opportunities for older persons to exercise their right to education should be a panacea in allowing the elderly to age graciously, the question arises as to what types of avenues should be proposed or organised in the future. The non-existence of future planning amongst the elderly on how they should manoeuvre their life in their golden age especially in exercising their right to education should be given attention in assisting them to lead a quality life. The existing policy on learning at a later stage or lifelong learning can also be found in national policies and plans of action. However, the problem is in materialising the planning and collaboration of ineffective actions that provide beneficial impacts for the elderly in Malaysia (Rani, 2007).

METHODOLOGY

This study is qualitative research of doctrinal research through content analysis. Data were collected from various sources, namely books, articles, journals, and other materials relating to the topic of this study. The legal basis upholding the importance of education amongst the elderly is scrutinized through analysis of international legal instruments and national legal instruments

RESULTS AND DISCUSSION

Learning at a later stage principle can be found in policies from international bodies such as the United Nations, World Health Organisation, and European Union and respective policies of the country having lifelong learning policies (Merriam & Kee, 2014) as can be seen in Malaysian National Policy on Older Persons 2011. The International Covenant on Economic, Social, and Cultural Rights (ICESCR) amongst other include the right to education (Fredvang & Biggs, 2012). Internationally this right to education for older persons are provided under The Committee on Economic, Social and Cultural Rights (CESCR) General Comment 6: The Economic, Social and Cultural Rights of Older Persons (1995). Here it indicates that older people should have access to formal education programmes and informal sessions. They should also be provided with opportunities for knowledge and experience sharing. On top of that, related legal international instruments regarding the right to education for older persons can also be found in Recommendations 44-51 in the Vienna International Plan of Action on Aging (1982), and Principles 4 & 16 of United Nations Principles for Older Persons (1991) (The Right to Education Initiative, 2022).

Overall, internationally, some instruments protect the human rights of older people but there are scattered and there has been no single tailored and comprehensive instrument that binds the protection of older people's rights (Cox & Pardasani, 2017). The in-existence of a specific instruments upholding the rights of older persons cause a hurdle in upholding their rights holistically. The older persons themselves may not be aware of the rights and benefits offered for them.

In Malaysian landscape, the Federal Constitution guarantees the fundamental rights of Malaysian citizens as enshrined in Article 5 until Article 13. Older persons therefore also enjoy these rights (Mat Salleh et al., 2022). This study particularly concerns Article 12 on rights in respect of education. The right to education of older people in Malaysia is guaranteed as one of the fundamental rights enjoyed by every person in Malaysia as enshrined under Article 13 of the Federal Constitution.

There is no specific legislation governing the affairs of the elderly in Malaysia (Lim Wen Xin et al., 2014). It is suggested for a specific legislation concerning senior citizens to be drafted in Malaysia (Nabees Khan et al., 2021). The efforts towards this can be seen with the introduction of a new bill on the protection of senior citizens which

is expected to be tabled in Parliament in 2022 after a study on this was concluded in October 2021 (Daim, 2021) . As far as national policies are concerned, the most relevant policy is the National Policy of Older Persons 2011 and the National Health Policy for Older Persons 2008.

This shows that at the national level, the legal basis and policy are on the right track in upholding learning opportunities for older people though it is not in a specific instrument. However, comprehensive strategies in materialising it need to be enhanced. The significance and importance of learning at a later stage need to be delivered to our aging population. There is a need for a system to raise awareness amongst elderly in the importance of education and lifelong learning at a later stage.

CONCLUSIONS

The legal instruments are in existence in elevating the right to education of elderly though they are still rooms for improvements since they are scattered in different instruments. There is a need for Malaysia to work on a comprehensive strategy to facilitate the senior citizens to have a better mediums, opportunities, and awareness with regard to right to education. Thus, in ensuring that existing programmes or institutions provide optimum benefit to the elderly in assisting them to make learning their priority agenda, more studies should be conducted in this area. The scenarios that will be faced by pre-elderly in the future should be analysed to predict what are the learning experiences, opportunities, and education planning that may affect their life in the future.

REFERENCES

- Abdul Kadir, K., Abdul Jalil, E. A., Hassan, H., Raja Mohd Khalid, R. K., & Hamid, A. A. (2022). *The Investigation of the Preparedness of an Aging Society for a Sustainable Way of Life; a Conceptual Framework*. 15(Jan), 77–81.
- Abdul Razak, A. Z., Abd. Majid, M., Abu Bakar, S., & Ismail, S. (2017). *Model Pembelajaran Sepanjang Hayat Warga Emas Ke Arah Pembangunan Insan yang Berterusan*.
- Che Amani, N. binti, Kahar, R. binti, Ibrahim, R. binti, & Hasbullah, M. binti. (2021). *Elder Financial Abuse Experience: A Qualitative Study from the Perspective of*

- Older Persons in Malaysia. *International Journal of Academic Research in Business and Social Sciences*, 11(8). <https://doi.org/10.6007/ijarbss/v11-i8/10409>
- Cox, C., & Pardasani, M. (2017). Aging and Human Rights: a Rights-Based Approach to Social Work with Older Adults. *Journal of Human Rights and Social Work*, 2(3), 98–106. <https://doi.org/10.1007/s41134-017-0037-0>
- Daim, N. (2021). *New bill to protect the elderly being mullied*. News Straits Time Online. <https://www.nst.com.my/news/nation/2021/10/738105/new-bill-protect-elderly-being-mulled>
- Fredvang, M., & Biggs, S. (2012). The rights of older persons: Protection and gaps under human rights law. In *Social Policy Working Paper* (Issue 16). <https://social.un.org/ageing-working-group/documents/fourth/Rightsfolderpersons.pdf>
- Harun, N., Ali, N. M., Layali, N., & Ali, M. (2020). Spatial Analysis: Ageing Population of Multi-ethnic in Rural Area, Malaysia. *2020 Asia–Pacific Statistics Week A Decade of Action for the 2030 Agenda: Statistics That Leaves No One and Nowhere Behind*, June.
- Khan, A. R., & Tahir, I. (2014). Influence of Social Factors to the Quality of Life of the Elderly in Malaysia Abdul. *Open Medicine Journal*, 1, 178–188. <https://doi.org/10.17485/ijst/2015/v8iS1/59099>
- KPWKM. (2011). *Dasar Warga Emas Negara*.
- Lim Wen Xin, W., Sulaiman, N., & Baldry, D. (2014). The Provision Structure of Residential Care Home for the Elderly in Malaysia: Policies Evolution, Regulations and Standards. *INSPEN: International Real Estate Symposium*.
- Mat Salleh, H., Mat Hussin, M. N., & Hj Abdullah, R. (2022). Perlindungan Hak Warga Emas dalam Perundangan di Malaysia. *Kanun Jurnal Undang-Undang Malaysia*, 34(1), 1–22. [https://doi.org/10.37052/kanun.34\(1\)no1](https://doi.org/10.37052/kanun.34(1)no1)
- Md Nor, N. N. F., & Ghazali, S. (2021). Malaysia towards an ageing country. *Malaysian Journal of Society and Space*, 17(3), 234–245. <https://doi.org/10.17576/geo-2021-1703-17>
- Merriam, S. B., & Kee, Y. (2014). Promoting Community Wellbeing: The Case for Lifelong Learning for Older Adults. *Adult Education Quarterly*, 64(2), 128–144. <https://doi.org/10.1177/0741713613513633>
- Nabees Khan, M., Abd Hamid, N. 'Adha, & Abd Rahman, S. H. (2021). *Undang-undang Perlindungan Warga Emas bagi Kesejahteraan Institusi Keluarga*. 13, 22–27.

- Rahimah, I., Syamilah, Z. N., Aizan, H. T., & Tyng, C. Sen. (2017). On 'learning for leisure' and the margins of mainstream education: A critical review of the University of the Third Age Movement in Malaysia. *International Journal on Ageing in Developing Countries*, 2(1), 41–58.
- Rani, Z. bin A. (2007). Social Welfare Policies and Services for the Elderly: a Country Report (Malaysia): In *The 5th ASEAN & Japan High Level Officials Meeting on Caring Societies: Collaboration of Social Welfare and Health Services, and Development of Human Resources and Community*.
- The Right to Education Initiative. (2022). *Adult education and learning*. <https://www.right-to-education.org/issue-page/th-mes/adult-education-and-learning>

A MEDICO-LEGAL CONSIDERATION ON THE USE OF AI (ARTIFICIAL INTELLIGENCE) IN MEDICINE

Maizatul Farisah binti Mohd Mokhtar ⁱ

ⁱ (Corresponding author). Senior Lecturer. Tamhidi Centre, Universiti Sains Islam Malaysia.
maizatulfarisah@usim.edu.my

Abstract

The use of AI in the medical field has been used by medical researchers in late 1960's and early 1970's during the expansion of biomedical applications of AI. The fast development of AI technology means that the medical field must evolve to have positive impact on the use of AI in the medical field. Although AI and medicine are different areas, both are connected to one another especially with significant developments that use AI, for instance in medical devices in healthcare. For example, technological systems can use sophisticated algorithms which have been incorporated into AI to diagnose conditions and make decisions much quicker than conventional methods. This paper considers to what extent AI can contribute and benefit medicine and what are the challenges and obstacles on the use of AI in this field. This paper also discusses how AI use in the medicine in such ways as diagnosis and treatment as well as decision making. Finally, based on the developments and issues raised, the legal implications will be explored and discussed.

Keywords: Artificial Intelligence (AI), medicine, medical technology, legal obligation, legal implication, clinical error, medical negligence, medical practice, medical field, healthcare

INTRODUCTION

Over recent years, there has been a significant increase in the use of Artificial Intelligence (AI) in the medical field. The fast development of AI technology means that the medical field must evolve to have positive impact on the use of AI in the medical field. Patients, doctors, healthcare providers, and members of the healthcare communities have an appetite for a better healthcare system that is more efficient, cheaper, faster, and able to minimise risk of clinical error. One example of this is the IBM Watson system that use AI for diagnose cancer and make decisions on treatment.

METHODOLOGY

Research methodology for this article is based on descriptive, analytical and comparative using library-based methods. Library research is the most well-known method of research including in legal doctrinal research. This approach is mainly related to qualitative approach in presenting the theoretical concept of AI in medical field. This approach will be applied to study the progression, developments, and the implication of AI in medical field. This study relies on the primary legal sources such as the legal principles and laws relating to medical practice such as the law of Tort that govern medical claims and medical negligence and also the secondary resources such as journal articles, law reports, historical reports and virtual libraries available online. Some other research resources are the database online such as LexisNexis, Law Net, and CLJ online for a legal perspective.

RESULTS AND DISCUSSION

CHALLENGES ON THE USE OF AI IN MEDICINE

Although the discussion above identified that AI contributes benefits and impacts not only in the development of AI in information technology fields as a whole and specifically in the medical field, for example in the use of medical devices, but there are also some challenges and difficulties that arise on the use of AI.

The challenges in Algorithm's accountability, reasoning and explanation

One of the most notable methods used in AI for medical field is the algorithm. Algorithms in AI are used mainly for diagnosis and decision making for treatment where it is essential that the algorithm is accurate and unbiased (Paul Y, Hickok. E, Sinha. A & Tiwari. U. 2018). The main challenge of AI in medicine is expandability and interpretability (Cath C. 2018). AI in medicine often uses an algorithm as a 'black box' or 'black box medicine' whereby it is very complex and difficult to explain (Cath C. 2018). Even AI in medical field using algorithm in diagnosis and suggestion on treatments in decision-making itself is unable to explain why such diagnosis and

decision making has been made. Therefore, AI failed to provide reasons behind the decision making.

The current practice and use of AI that become the challenges for future

According to Ben Faircloth, Clay Heskett and Stephen Roper (Faircloth. B., Heskett. C & Roper. S. 2018), there are several challenges arise in future based on the current practice of AI in medical field which are:

1. The role of providers in deployment that not really assist and help medical practitioners to be more effective.
2. The use of AI in pilots and partnership program unable to show the clinical and health economic benefit upfront as well as to track the progress.
3. The major problem in deployment if IT is identification and cleaning of credible data whereby the time need to identify and gains access for suitable data sets and prepare for analysis always been ignored and not become priority although this is very crucial for future.
4. The regulatory development that behind the development of the AI technologies that cause “black box” which arise from the use of algorithm.
5. Legal implications arise from the use of AI in term of compliance with data protection, privacy requirement as well as liability framework.

THE CONSIDERATION OF LEGAL IMPLICATION ON THE USE OF AI

Based on the discussion above the use and development of AI not only contributes to the medical field, it involves a third party mainly the patient, medical practitioners, and healthcare providers. Therefore, there are legal implications that should be considered in relating to the use of AI in medicine especially if there any clinical error or medical negligence issues arise.

Torts

The duty of care is relying upon the one who owns the duty of care when using medical device that apply AI for diagnosis and decision-making. The medical device design is established by the programmer and created by developer or the manufacturer with

software engineers unlike diagnosis and medical decisions made by the doctor manually without any medical device to interrupt the decision or make the decision. Then the critical question arises is who owns the duty of care? The determination of duty of care is crucial to determine whether there is breach of duty or not that contributes to the negligence occurred. The element of breach of duty may result in a negligence claim.

Liability

Based on the previous discussion there are critical challenges especially in the legal perspective on use of AI in medicine. When it's challenging and strenuous to determine the duty of care and the standard as well as the causal link to the damages therefore it will be a challenge to determine the liability as well. The question arises is who will be responsible and liable – medical practitioners and healthcare provider or programmer or software developer or manufacturer? To conclude this question clearly is not an easy task especially for a court to decide. The issue of liability can be further complicated when involving also with the vicarious liability whereby how to determine the other party (who is not directly involves with the patients and using the AI) is also liable and to prove the liability alone is a great challenge for court.

Informed Consent

What about informed consent? Who will give the explanation and how a medical practitioner give an explanation on the decision made by AI using the medical devices (Lupton M. 2018) for the purpose of getting the consent from the patients? there are crucial issues arise in fulfilling the informed consent. The diagnosis and decision making on treatment suggested based on the algorithm or 'black box medicine' itself is not only hard to understand and too complex but more importantly failed to give the reason behind the diagnosis and decision making made.

CONCLUSIONS

The use of AI undoubtedly contributes and benefit tremendously in medicine but also faces challenges and issues in relation to the use of method for AI such as algorithm. The development of AI in the medicine is too fast compared to the development of laws as well as regulation that govern medicine. Recommendation to overcome or minimise

the challenges and problem arise which are the developer and manufacturer including software biomedical engineer need to improve AI for use of an algorithm for diagnosis and decision making in order to prevent the possible issues arising. The further peer-reviewed scientific research - for example, whether or not AI such as Watson benefits because there are very limited publications in this area. Lastly consideration to changes or improvements to the current law regarding the use of AI (i.e algorithm in black box) - the principle of negligence, material risk, and informed consent, data protection, standard duty of care and causation that is in line with the nature of AI.

REFERENCES

- Bioethics Briefing Note: Artificial Intelligence (AI) in Healthcare and Research. Nuffield Council on Bioethics. May 2018
- Cath C. 2018. Governing Artificial Intelligence: Ethical, Legal and Technical opportunities and Challenges. *Phil. Trans. R. Soc. A* 376: 20180080. Retrieved at: <http://dx.doi.org/10.1098/rsta.2018.0080>
- David D. Luxton. 2019. Case and Commentary Should Watson Be Consulted for a Second Opinion? *AMA Journal of Ethics*. Volume 21, Number 2: E131-137
- Faircloth B., Heskett. C & Roper. S. 2018. Artificial Intelligence: Six Challenges for the European. Healthcare Sector. L.E.K Consulting/Executive Insights volume XX, Issue 59
- Jodi G. Daniel & Uppaluru M. 2018. Artificial Intelligence in Health Care – What You Need to Know. All Alerts & Newsletters Crowell & Moring
- Lupton M. 2018. Some Ethical and Legal Consequences of the Application of Artificial Intelligence in the field of Medicine. *Trends in Medicine*. Volume 18(4): 1-7
- Paul Y, Hickok. E, Sinha. A & Tiwari. U. 2018. Report: Artificial Intelligence in the Healthcare Industry in India. The Centre for Internet and Society (India)
- Price, W. Nicholson, II. 2017. Artificial Intelligence in Health Care: Applications and Legal Implications. *The SciTech Lawyer*. 14, no. 1
- Rossi F. 2016. Artificial Intelligence: Potential Benefits and Ethical Considerations. European Parliament Report PE 571.380.

THE IMPLEMENTATION OF *SULH* AT THE SYARIAH COURT NEGERI SEMBILAN: CHALLENGES AND RECOMMENDATIONS

Maizatul Farisah binti Mohd Mokhtar ⁱ

ⁱ (Corresponding author). Senior Lecturer. Tamhidi Centre, Universiti Sains Islam Malaysia.
maizatulfarisah@usim.edu.my

Abstract

Among the main factors that led to the complaints are delays and length of time in resolving dispute at the Syariah court (W.A Wan Adnan & A.H Buang, 2021). Due to these challenges in litigation process at Syariah Court that eventually Muslim community urges to have a better mechanism to resolve dispute at Syariah Court (N. Abdul Hak. 2021). The introduction of Sulh at the Syariah Court under the Syariah Judiciary Department to resolve cases involving Islamic matters (mainly commercial and family) for Muslims that are governed under Syariah Court Civil Procedure has attempted to address the demand of Muslim community for a better dispute resolution to a litigation process (R. Ramli et al., 2020). Although Sulh is voluntary process, the outcome of Sulh is legally binding (W.A Wan Adnan dan A.H Buang, 2021), therefore parties can enforce the settlement achieved in Sulh via settlement agreement prepared by the Sulh officer through court order. The aim of this research paper is to evaluate the implementation and challenges of Sulh at the Syariah Court prior and post pandemic Covid 19 including the procedures, laws, functions, and developments of Sulh. In addition, this research paper will propose a recommendation to overcome the challenges that have arisen.

Keywords: Challenges and recommendations for Sulh, Implementation and procedures of Sulh, Islamic mediation, Pre COVID-19 and post COVID-19, Syariah Court Negeri Sembilan

INTRODUCTION

Islam encourages parties in conflict to resolve their disputes through amicable settlement (al *Sulh*) as litigation will not always result in decision accepted by both parties. *Sulh* can be defined as a harmonious way to settle dispute between the parties which consists of negotiation, mediation, conciliation, and compromise (The Department of Syariah Judiciary Negeri Sembilan [JKSNS]). According to Malaysian Federal Constitution, Islamic law in Malaysia governs under the jurisdiction of state law hence each states has its own laws. Therefore, there is no uniformity in the practice of *Sulh* in states across Malaysia, hence each states have their own *Sulh* laws and Rules

pertaining to the application of *Sulh*. Since each state has its own Islamic law and for this paper, the state of the state of Negeri Sembilan will be referred in relating to the application of *Sulh* pre and post COVID.

METHODOLOGY

The research methodology is based on descriptive, analytical, and comparisons using library-based methods and unstructured qualitative interviews in presenting the theoretical concept of mediation according to the Syariah Court in Malaysia in general and specifically at Syariah Court Negeri Sembilan. This study relies on primary legal sources such as the legal principles and laws relating to *Sulh* involving procedural laws and practice direction such as The Islamic Religion Administration (Negeri Sembilan) Enactment 2003 dan the Syariah Court Civil Procedure (Negeri Sembilan) Enactment 2003, Syariah Court Civil Procedure (Negeri Sembilan) Rules 2016, *Sulh* Work Process JKSM, Circular of the Chief Justice MSS 1/2002 (Code of Ethics for *Sulh* Officers and *Sulh* work Process MSS), Circular of the Chief Justice MSS 9/2002 [Jurisdiction of *Sulh* Officer (Judges)], and Practice Direction JKSM 3/2002 (Implementation of *Sulh*). It also uses secondary resources such as journal articles, law reports, historical reports, and virtual libraries available online. This research also employ research that employs methods taken from other disciplines to generate empirical data that answers research questions. It can be a problem, policy, or a reform of the existing law. Legal non-doctrinal finding can be qualitative or quantitative. This approach has also been chosen because mediation in court relating to Majlis *Sulh* not only involves laws and especially procedural laws in the Syariah court that govern the *Sulh* proceedings but also it involves the disputant parties that the legal doctrinal approach is unable to achieve.

RESULTS AND DISCUSSION

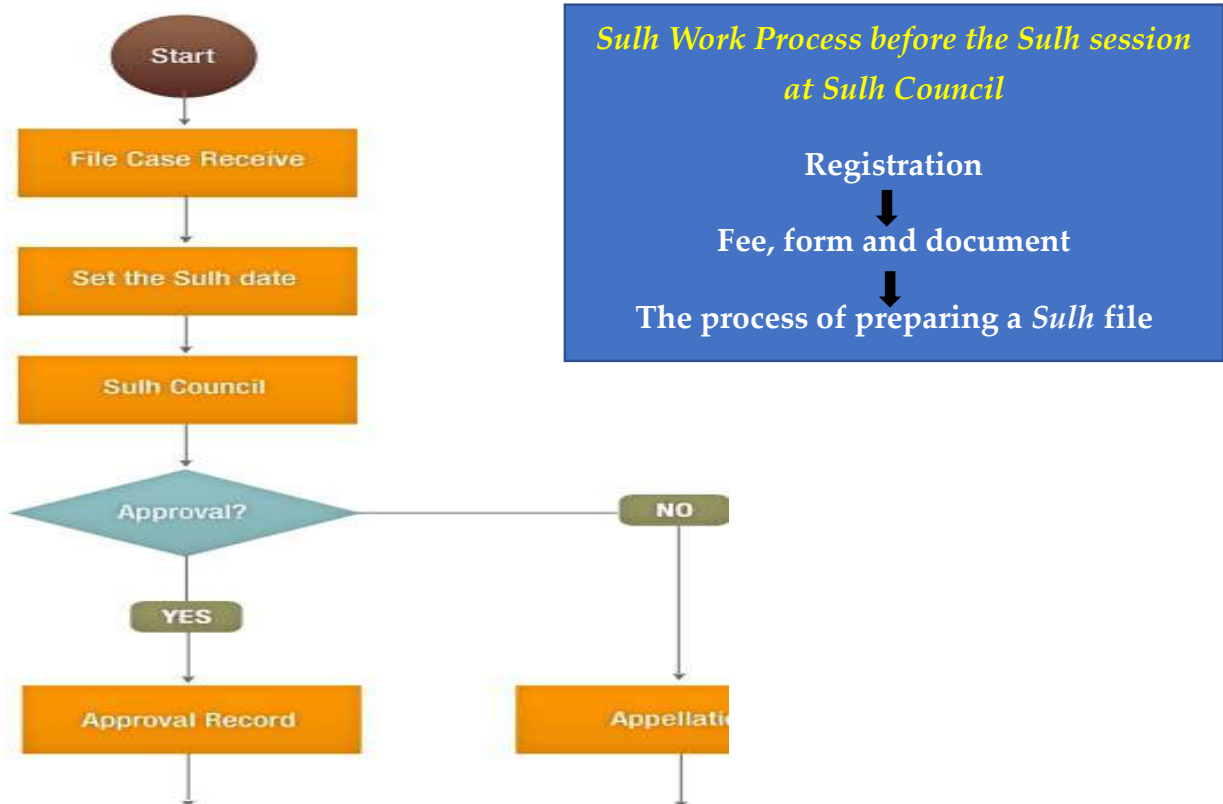
THE IMPLEMENTATION OF *SULH* AT THE SYARIAH COURT NEGERI SEMBILAN

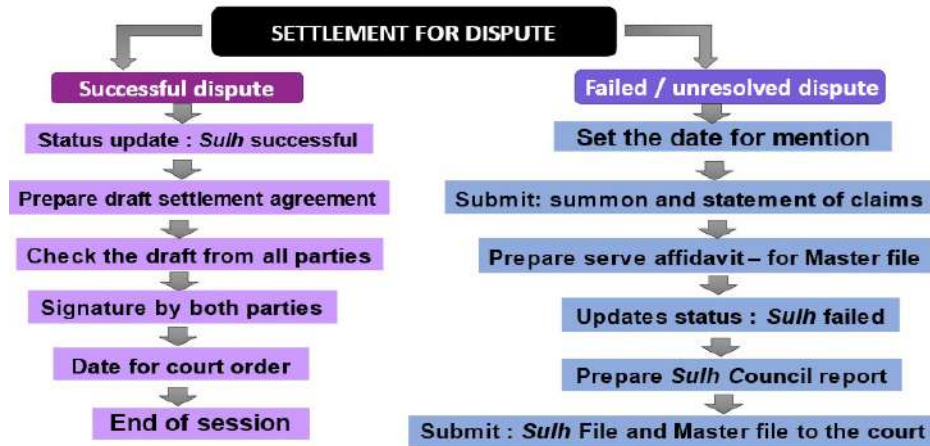
Types of *Sulh* cases at Syariah Court Negeri Sembilan

1. Compensation for marriage and engagement
2. Muta'ah (monetary given by husband to wife upon divorce)

3. Matrimonial Property Claims
4. Alimony – wife, children, disabled person, iddah’ etc
5. Hadanah (child custody)
6. Order for wife to obey husband
7. Right for residence home
8. Dowry, or
9. Any matter instructed by judges to resolve using *Sulh*.

Sulh Proceeding Pre COVID-19





Source for flow chart illustration by author: <http://www.esyariah.gov.my/>

Procedures *Sulh* at Syariah Court Post Covid 19

- Guideline for Handling Operation at Syariah Court during MCO (PKPB 1.0)
- Electronic Checking system: postponed case, new date and new registration.
- Implementation of *Sulh* via physical session
 - Procedure similar to pre Covid 19 with additional SOP
 - Scanning QR Code
 - Social distancing, temperature scanning and sanitize
 - Limited numbers of parties
- Implementation of *Sulh* under *Sulh* Council via online session (Cisco Webex application)
 - Procedures in handling *Sulh* Council before *Sulh* session via online.
 - Procedures in handling *Sulh* Council during *Sulh* session via online
 - Procedures in handling *Sulh* Council after *Sulh* session via online
- Implementation of hotline service in relation to *Sulh* cases.
- Service for consultation and advice via MyCareCov19 (under government agencies)
- *Sulh* session at night

THE CHALLENGES OF *SULH* AT SYARIAH COURT NEGERI SEMBILAN

The Challenges of *Sulh* Pre COVID-19

Majority Muslim community is lack exposure and knowledge the function and roles of *Sulh* and *Sulh* Council at Syariah Court. Besides that, the misconception of *Sulh* Council as a medium for counselling rather than a medium to resolve dispute mutually between disputants. Furthermore, lack of enforcement for parties' attendance. Voluntarily to use *Sulh* that cause parties reluctant to participate in *Sulh*. Negative perception and attitude challenges faced by *Sulh* in Syariah Court Negeri Sembilan. Finally, lack of commitment such as parties' attendance and cooperation to resolve the dispute contributes to the challenges of *Sulh* at Syariah Court Negeri Sembilan towards the effectiveness of *Sulh* Council as a medium to resolve dispute is also one of the main challenges here.

The Challenges of *Sulh* Post COVID-19

Among challenges of *Sulh* post Covid 19 is lack of enforcement law for online *Sulh*. Besides that, lack of facility for online *Sulh* (Cisco Webex application – parties not familiar) also contributed to the challenges is the additional job scope for *Sulh* Officer. Furthermore, the challenges faced by *Sulh* is the party's attendance for *Sulh* procedures whereby parties or party often absent during *Sulh* Council. Next the challenges in confidentiality especially during online *Sulh* Council whereby *Sulh* Officer unable to observe and ensure the *Sulh* operation was conducted in private to prevail the confidentiality. Furthermore, the challenges faced by *Sulh* officer is the overload of work when they have to conduct session at night due to overload unresolve dispute and lack of *Sulh* Officer besides lack of interest by *Sulh* Officer to use online mechanism for *Sulh* proceeding.

RECOMMENDATIONS TO OVERCOMES THE CHALLENGES IN *SULH* AT SYARIAH COURT NEGERI SEMBILAN

Based on the challenges arisen, there are several possible actions can be taken in order to overcome the challenges. Among the possible action is to amend the Syariah Court Civil Procedure relating to *Sulh* that fit and practical to the current practice of *Sulh* in Syariah Court Negeri Sembilan. Furthermore, to implement various IT training and

workshop from time to time and related database training for both – dispute parties and *Sulh* Officer as an effort to expose and encourage the involves parties to use *Sulh*. The other recommendation to overcome the challenges is to change the perception of *Sulh* Officer towards the implementation of *Sulh* New Normal. In addition, it is crucial also to consider appointing more *Sulh* officer besides refining the scope of *Sulh* officer to overcomes the massive burden that becomes the challenges for *Sulh* officers at Syariah court. Lastly the possible action can be taken to prevail over the challenges of *Sulh* is to provides facility for online session at court – preserve confidentiality and encourage to use online medium for *Sulh* session.

CONCLUSIONS

Sulh is the best way to resolve dispute amicably as well as provides better solution and high satisfaction among parties and also contribute to reduce backlogged cases at Syariah court. However, there are some challenges faced by *Sulh* under *Sulh* Council at Syariah Court need to address in order to ensure the effectiveness of *Sulh* to resolve dispute.

ACKNOWLEDGEMENT

The paper is prepared based on the on-going research conducted under the Islamic Science University of Malaysia (USIM) short research grant entitled “The Challenges of Syariah Court Annexed Mediation in Negeri Sembilan”. Research Grant code: PPPI/TAMHIDI/0019/051000/17919 and year: 2019. Our research group gratefully acknowledge the funding received towards this research grant from the Islamic Science University of Malaysia (USIM) as well as the support and assistance given throughout this research.

REFERENCES

Department of Syariah Judiciary Negeri Sembilan, *Sulh* Council (JKSNS)

Department of Syariah Judiciary Negeri Sembilan, 2020. Garis Panduan Pengendalian Menandatangani Dokumen Perjanjian *Sulh* Secara Atas Talian Versi 1.0.

- Department of Syariah Judiciary Negeri Sembilan, 2021a. Pemakluman Operasi Jabatan Kehakiman Syariah Negeri Sembilan Sepanjang Tempoh Perintah Kawalan Pergerakan Lanjutan (Total Lockdown) Fasa Pertama.
- Department of Syariah Judiciary Negeri Sembilan, 2021b. Kebenaran Merentas Negeri dan Daerah bagi Tujuan Hadir ke Pejabat di JKSNs.
- Department of Syariah Judiciary Malaysia. 2002. *Sulh* Work Manual, *Sulh* Kit, *Sulh* Gantt Chart, Attachment A1, Attachment A2, Attachment B1, and Attachment B2.
- Nora Abdul Hak. 2021. Satu Penyelesaian Kes Secara Holistik. A forum organized by Syariah Judiciary Department Malaysia dated 8 July 2021.
- Practice Direction JKSM 3/2002 (Implementation of *Sulh*)
- Ruzita Ramli, Dina Imam Supaat dan Hasnizam Hashim. (2020). Kebiasaan Baharu (New Normal) Dalam Pelaksanaan *Sulh* Kes Hadhanah Dan Nafkah Anak: Isu Dan Cabaran. INSLA E-Proceeding Vol. 3 No.1 pp. 414 – 437
- Wan Azimin Wan Adnan dan Ahmad Hidayat Buang. 2021. Pemeraksanaan Pelaksanaan *Sulh* dalam Kes Tuntutan Hartanah Orang Islam di Mahkamah Syariah di Malaysia. Kanun: Jurnal Undang-undang Malaysia 33(1), 131-158
- Sulh* Work Process JKSM, Circular of the Chief Justice MSS 1/2002. Code of Ethics for *Sulh* Officers and *Sulh* work Process MSS.

KEBIMBANGAN TERHADAP PENCAPAIAN BAHASA ARAB DALAM KALANGAN PELAJAR

Nur Ain Mustafar ⁱ, Abdul Rashid Abdul Aziz ⁱⁱ & Nurun Najihah Musa ⁱⁱⁱ

ⁱ (*Penulis Koresponden*). Fakulti Kepimpinan dan Pengurusan, Universiti Sains Islam Malaysia.

ainmustafar@raudah.usim.edu.my

ⁱⁱ Fakulti Kepimpinan dan Pengurusan, Universiti Sains Islam Malaysia. rashid@usim.edu.my

ⁱⁱⁱ Fakulti Kepimpinan dan Pengurusan, Universiti Sains Islam Malaysia.

jihamura98@raudah.usim.edu.my

Abstrak

Pencapaian akademik yang baik melambangkan kecemerlangan bagi setiap pelajar. Namun, dalam mencapai kecemerlangan tersebut, antara aspek penting yang harus dihadapi oleh pelajar adalah kebolehan mengawal kebimbangan menghadapi ujian. Justeru, kajian ini dijalankan untuk mengkaji hubungan antara kebimbangan menghadapi ujian dan pencapaian bahasa Arab dalam kalangan pelajar tahun tiga kaunseling, Fakulti Kepimpinan dan Pengurusan, USIM. Kajian ini merupakan kajian kuantitatif menggunakan analisis deskriptif dan korelasi melalui perisian Statistical Package of Social Science (SPSS) versi 26. Seramai 80 orang pelajar dalam lingkungan umur 18 - 26 tahun ke atas telah dipilih melalui kaedah persampelan bertujuan. Soal selidik yang dikendalikan sendiri untuk kegunaan pengumpulan data yang merangkumi Test Anxiety Inventory (TAI) dan skor pencapaian bahasa Arab dalam peperiksaan. Hasil dapatan kajian menunjukkan bahawa terdapat korelasi yang signifikan ($r(80) = .035, p < .05$) antara kebimbangan menghadapi ujian dan pencapaian bahasa Arab dalam kalangan pelajar kaunseling tahun 3 yang dikaji. Konklusinya, kajian ini dapat memberi kesedaran dan menggalakkan pelajar membuat persediaan lebih awal sekaligus dapat mengurangkan kebimbangan menghadapi ujian. Sebaiknya pencapaian bahasa Arab ditingkatkan dengan bimbingan melalui program bimbingan dan kaunseling akademik yang harus diaktifkan di setiap fakulti terutama sebelum peperiksaan.

Kata kunci: *kebimbangan, kesihatan mental dan pencapaian akademik*

PENGENALAN

Prestasi akademik yang tinggi menjadi penanda aras kepada pelajar untuk menjadi lebih terkehadapan dan cemerlang. Hal ini juga menjadi tuntutan bagi kedua ibu bapa. Namun begitu, dalam memenuhi kehendak ibu bapa, para pelajar dihambat dengan rasa bimbang. Malah, salah satu aspek kesihatan mental yang sering dikaitkan dengan golongan pelajar ini ialah rasa 'cemas' rentetan daripada rasa terpaksa untuk

memenuhi tuntutan masyarakat mahupun keluarga. Jumlah ini mencatat bilangan sebanyak 284 juta yang meliputi 2.8 peratus golongan lelaki dan 4.7 peratus golongan perempuan (Ritchie dan Roser, 2018). Pelajar juga termasuk dalam populasi ini. Secara keseluruhannya, pelajar akan mengalami kebimbangan dalam menghadapi peperiksaan ataupun ujian (*test*). Pengkaji ingin mengkaji hubungan kebimbangan ujian terhadap pencapaian bahasa Arab. Pengajian dan penguasaan bahasa Arab merupakan cabaran besar terutamanya kepada penutur bahasa ibunda iaitu bahasa Melayu. Seseorang perlu menghabiskan ribuan jam untuk menguasai bahasa asing sehingga cekap menggunakannya seperti bahasa ibunda (Omaggio Hadley, 2001).

Prestasi akademik merupakan elemen penting yang menentukan peluang dan masa hadapan individu (Steinmyr et al., 2014). Hasil kajian juga mendapati sebanyak 25 peratus hingga 40 peratus pelajar mengalami kebimbangan menghadapi ujian yang dikenali sebagai '*test anxiety*' (Cassady, 2010). Menurut Olaitan. et al., (2014) kebimbangan menghadapi ujian secara signifikan mengganggu prestasi akademik pelajar. Malah kegagalan dalam prestasi akademik seseorang juga menjadi isu utama dalam sesebuah keluarga (Khesht-Masjedi, 2019). Terdapat banyak kajian lepas yang memfokuskan kepada elemen prestasi akademik dan faktor yang mempengaruhinya seperti usaha, kehadiran ke kelas, motivasi, kebimbangan dan sikap (Yusefzadeh et al., 2019). Walaupun terdapat banyak kajian lepas menumpukan kepada pengkajian aspek kebimbangan menghadapi ujian, namun masih belum ada yang melihat dari sudut pencapaian bahasa Arab. Oleh itu objektif kajian ini ialah untuk mengenal pasti tahap kebimbangan menghadapi ujian dalam kalangan pelajar kaunseling tahun 3. Selain itu, kajian ini juga bertujuan untuk mengkaji hubungan antara kebimbangan menghadapi ujian dengan pencapaian bahasa Arab dalam kalangan pelajar kaunseling tahun 3.

Secara keseluruhannya, dapatan kajian menunjukkan tahap kebimbangan menghadapi ujian majoriti para pelajar tahun 3 adalah pada kadar normal iaitu sederhana (53.8 peratus). Sementara itu, dapatan kajian menunjukkan kebimbangan terhadap ujian mempunyai hubungan dengan pencapaian pelajar dalam bahasa Arab.

METOLOGI

Kajian ini merupakan kajian kuantitatif menggunakan analisis deskriptif dan korelasi melalui perisian Statistical Package of Social Science (SPSS) versi 26. Kajian kuantitatif ialah satu proses formal, objektif dan sistematik di mana data berangka digunakan

untuk mendapatkan maklumat tentang mana-mana subjek (Burns & Grove, 2005). Populasi kajian ini terdiri daripada 80 orang pelajar USIM dari Fakulti Kepimpinan dan Pengurusan dalam lingkungan umur 18 - 26 tahun ke atas yang telah dipilih melalui kaedah persampelan bertujuan. Responden merupakan pelajar tahun 3 dengan latar belakang kursus kaunseling. Pengkaji bertemu dengan wakil pelajar bagi setiap kumpulan dan menerangkan tujuan kajian. Pengkaji mendapatkan persetujuan termaklum daripada pelajar yang bersetuju untuk mengambil bahagian dalam kajian yang dilakukan. Instrumen yang digunakan pengkaji dalam penyelidikan ini ialah Instrumen Kebimbangan Menghadapi Ujian. Objektif utama instrumen ini adalah untuk mengkaji tahap kebimbangan pelajar menghadapi ujian.

HASIL DAN PERBINCANGAN

Jadual 1: Tahap Kebimbangan Menghadapi Ujian

Kekerapan		Peratus	Total
Sangat rendah	4	5.0	100
Rendah	33	41.3	95.0
Sederhana	28	35.0	53.8
Tinggi	15	18.8	18.8
Total	80	100	

Jadual 1 menunjukkan keputusan yang teruk dalam kebimbangan menghadapi ujian secara kekerapan dan peratusan julat. Jadual ini mengandungi 3 tahap kebimbangan menghadapi ujian iaitu rendah, normal dan tinggi. Dapatan ini menunjukkan kebimbangan menghadapi ujian yang rendah terhadap 14 orang pelajar iaitu 17.5 peratus. Manakala, 43 orang pelajar lain memperoleh tahap kebimbangan terhadap ujian yang normal dengan peratusan 53.8 peratus. Kemudian, 23 orang pelajar lain lagi memperoleh tahap yang tinggi dalam kebimbangan menghadapi ujian iaitu 28.7 peratus.

		Pencapaian Bahasa Arab
Kebimbangan menghadapi ujian	Pearson	0.236
	Correlation	
	Sig. (2-tailed)	0.035

*. Korelasi adalah signifikan pada tahap 0.05 (2-tailed).

Hasil kajian menunjukkan terdapat hubungan yang signifikan antara kebimbangan menghadapi ujian dengan pencapaian bahasa Arab dalam kalangan pelajar kaunseling tahun 3. Hubungan yang terbentuk adalah positif dan sangat lemah pada tahap signifikan .05 di mana ($r(80) = .236, p < .05$). Nilai signifikan yang ditunjukkan ialah 0.035 di mana lebih kecil daripada aras signifikan yang ditetapkan iaitu 0.05*. Ini bermakna, semakin tinggi kebimbangan pelajar kaunseling tahun 3 menghadapi ujian, semakin tinggi pencapaian bahasa Arab mereka. Keputusan ini disokong oleh dapatan Chapell et al. (2005), Masson et al. (2004) dan Stober (2004) yang mendapati pelajar yang mengalami kebimbangan menghadapi ujian yang rendah mempunyai pencapaian akademik yang lebih tinggi berbanding pelajar yang mempunyai kebimbangan terhadap ujian pada aras sederhana dan lebih tinggi. Dengan kata lain, pelajar yang mempunyai kebimbangan terhadap ujian pada aras sederhana mempunyai pencapaian akademik yang lebih tinggi daripada pelajar yang mempunyai kebimbangan terhadap ujian yang tinggi. Seperti yang dibincangkan di atas, salah satu sebab kebimbangan terhadap ujian memberi kesan terhadap prestasi akademik ialah pengaruh dalam memberi perhatian dan tumpuan semasa belajar dan seterusnya akan menjejaskan ingatan dan prestasi akademik. Tambahan pula, kebimbangan terhadap ujian menurut sesetengah pengkaji dipengaruhi oleh faktor yang berbeza seperti faktor persekitaran (Aremu dan Soka, 2003), faktor pengajaran dan faktor psikologi dalam diri pelajar (Ngwoke, 2010). Menurut Driscoll et al., (2009) melaporkan bahawa tahap kebimbangan terhadap ujian pada aras sederhana adalah penting untuk mencapai prestasi akademik yang lebih baik, ketiadaan kebimbangan terhadap ujian akan memberi kesan kepada prestasi akademik yang lemah kerana kebimbangan adalah faktor pencetus untuk meningkatkan semangat pelajar dalam belajar.

KESIMPULAN

Hasil daripada analisis ini, kajian menunjukkan bahawa kebimbangan menghadapi ujian mempengaruhi tahap pencapaian Bahasa Arab. Hasil dapatan kajian menunjukkan bahawa pelajar yang mempunyai tahap kebimbangan menghadapi ujian yang rendah akan memperoleh tahap pencapaian Bahasa Arab yang lebih tinggi berbanding pelajar yang mempunyai tahap kebimbangan menghadapi ujian yang tinggi. Namun, tahap kebimbangan menghadapi ujian yang sederhana diperlukan dalam menyeimbangkan persediaan pelajar dalam menghadapi sesuatu ujian. Kajian ini dapat membantu pelajar untuk lebih memahami tentang bagaimana kebimbangan menghadapi ujian akan mempengaruhi tahap pencapaian Bahasa Arab. Selain itu, kajian ini juga dapat membantu kaunselor, guru, profesional dan pihak-pihak berkaitan untuk mengenal pasti punca kelemahan pencapaian akademik pelajar. Kajian ini diharapkan dapat dilakukan dengan lebih meluas. Keterbatasan responden yang hanya disertai oleh pelajar dari kursus dan fakulti yang sama memungkinkan keputusan yang diperolehi tidak dapat mewakili pelajar yang lain. Dapatan yang tepat dapat memberi kesedaran dan menggalakkan pelajar membuat persediaan lebih awal sekaligus dapat mengurangkan kebimbangan menghadapi ujian.

RUJUKAN

- Aremu, O.R. & Sokan, B.O. (2003). *A multi-causal evaluation of academic performance of Nigeria learners: Issues and implications for national development*. Department of Guidance and Counselling, University of Ibadan, Nigeria.
- Burns, N, & Grove, S.K. (2005). *The Practice of Nursing Research. Conduct, Critique and Utilization*. Fifth edition. WB Saunders. Philadelphia PA.
- Cassady, J.C. (2010). *Test anxiety: Contemporary theories and implications for learning*. Anxiety in schools: The causes, consequences and solutions for academic anxieties. Peter Lang.
- Chapell, M.S., Blanding, Z. B., Silverstein, M.E. & Takahashi, M. (2005). Test Anxiety and Academic Performance in Undergraduate and Graduate Students. *Journal of Educational Psychology* 97(2):268-274.

- Driscoll, R., Evans, G., Ramsey, G., & Wheeler, S. (2009). High Test Anxiety among Nursing Students. ERIC. <http://eric.ed.gov>
- Hannah Ritchie & Max Roser (2018). "Mental Health". Published online at OurWorldInData.org.
- Khesht-Masjedi, M. F. (2019). The relationship between gender, age, anxiety, depression, and academic achievement among teenagers. *Journal of Family Medicine and Primary Care*, 799-801.
- Masson, E.A., Swallow, B.L., Lindow, S.W., & Hay, D.M. (2004). Psychological health in early pregnancy: relationship with nausea and vomiting, *Journal of Obstetrics and Gynaecology*, 24(1): 28-32.
- Ngwoke, D. U. (2010). *School Learning: Theory and Application*. Enugu: Immaculate Publication Limited.
- Olaitan, A. W. (2014). Contributions Of Test Anxiety, Study Habits and Locus Of Control To Academic Performance. *British Journal of Psychology Research*, .2(1): 14-24.
- Omaggio Hadley, A. (2001). *Teaching language in context*. Heinle & Heinle.
- Steinmayr, R., Meißner, A., Weidinger, A. F., & Wirthwein, L. (2014). Academic Achievement. Oxford Bibliographies. DOI:10.1093/obo/9780199756810-0108
- Stöber, J. (2004). Dimensions of Test Anxiety: Relations to Ways of Coping with Pre-Exam Anxiety and Uncertainty. *Anxiety, Stress, & Coping*, 17(3), 213-226.
- Yusefzadeh, H. (2019). The effect of study preparation on test anxiety and performance: a quasi-experimental study. *Advances in Medical Education and Practice*, 245-247.

KEPERLUAN RUANG TERAPI MINDA DI SEKOLAH-SEKOLAH SEBAGAI ALTERNATIF SESI KAUNSELING

Nurin Safwani binti Abdul Rahim ⁱ, Alifah Maisarah binti Abdul Halim ⁱⁱ & Mohd Zamrus bin Mohd Ali ⁱⁱⁱ

ⁱ (Penulis Koresponden). Kolej Genius Insan, Universiti Sains Islam Malaysia. safwani154@gmail.com

ⁱⁱ Kolej Genius Insan, Universiti Sains Islam Malaysia. alifahmaisarah@raudah.usim.edu.my

ⁱⁱⁱ Lecturer, Kolej Genius Insan, Universiti Sains Islam Malaysia. zamrus@usim.edu.my

Abstrak

Kementerian Kesihatan Malaysia merekodkan pada tahun 2019 bahawa 2.3 peratus dalam kalangan orang dewasa mengalami masalah mental manakala 9.5 peratus dalam kalangan kategori kanak-kanak berusia 10 hingga 15 tahun menghadapi masalah kesihatan mental yang membimbangkan. Pelbagai metod dan pendekatan diketengahkan antara yang popular ialah sesi kaunseling. Berdasarkan metod kajian pembacaan dan temubual yang dilaksanakan, kajian akan memberi fokus kepada keperluan mendesak yang wajar disegerakan oleh pihak sekolah dengan arahan dari Kementerian Pendidikan Malaysia. Kajian ini mencadangkan mewujudkan ruang terapi dengan bantuan alatan teknologi sebagai alternatif kepada kaedah kaunseling yang sering dipandang serong oleh sebahagian murid sekolah. Ruang terapi ini mencadangkan penampilan tempat rehat yang futuristik serta disediakan alat bantuan pandang dengar 3D iaitu virtual reality (VR). Kajian juga mencadangkan agar penggunaan ruangan atau bilik khas ini dibuka kepada sesiapa sahaja yang mengalami masalah yang berkaitan mental dan emosi di sekolah-sekolah untuk mengurangkan tekanan yang dialami. Dapatan utama menjangkakan dengan adanya ruang ini akan membantu mengurangkan risiko remaja sekolah yang bermasalah emosi serta mampu menarik minat mereka untuk hadir ke sekolah. Kesimpulan yang diperolehi menunjukkan bahawa ruang terapi dengan penampilan yang santai, menarik serta penggunaan teknologi visual dan audio mampu meminimumkan tekanan emosi serta masalah kesihatan mental yang lain.

Kata kunci: ruang terapi, masalah emosi, remaja sekolah, kesihatan mental

INTRODUCTION

Menurut Zsuzsanna Jakab, Pengarah Pertubuhan Kesihatan Sedunia bagi negara-negara Eropah (2011), beliau telah meletakkan definisi kesihatan sebagai suatu keadaan

yang melibatkan fizikal, mental dan kehidupan sosial yang sejahtera bukan sahaja meliputi penyakit bahkan bebas dari sebarang ketidakupayaan seseorang. Menurut Polisi Kesihatan Mental Malaysia, Kesihatan Mental merujuk kepada keupayaan individu, kumpulan dan juga persekitaran untuk berinteraksi di antara satu sama lain bagi menjana perasaan sejahtera dan fungsi yang optima. Ia meliputi penggunaan kebolehan kognitif iaitu intelek, afektif iaitu emosi dan perhubungan dalam mencapai matlamat individu dan kumpulan yang konsisten dengan keadilan (Kementerian Kesihatan Malaysia, 2020). Laporan berkaitan isu kesihatan mental di Malaysia khususnya yang melibatkan golongan remaja sekolah kerap mendapat liputan di akhbar mahupun persidangan seperti isu kesihatan mental remaja (Harian Metro, 2018), isu kewajaran saring tahap kesihatan mental remaja (Berita Harian, 2019), isu tahap kesihatan mental dalam kalangan pelajar institut pengajian tinggi (Sohana Abdul Hamid, 2019), isu Masalah mental bermula dari rumah (Malaysiakini, 2019) dan terkini penglibatan Kementerian Kesihatan Malaysia (KKM), Kementerian Pendidikan Malaysia (KPM) untuk menjalankan kajian tahap kesihatan mental pelajar.

Kerajaan Malaysia mengambil langkah proaktif untuk mengurangkan kes yang melibatkan remaja khususnya di sekolah. Antara tindakan tersebut ialah mewajibkan remaja sekolah yang terlibat kes juvana berjumpa dengan kaunselor. Kaunseling sebegini adalah satu rawatan intervensi psikologi yang dilakukan kepada remaja dan kepada mana-mana individu yang bukan sahaja di sektor pendidikan (Mansur & Nordinar, 2010) tetapi kaunseling juga dilaksanakan dalam menangani masalah penyalahgunaan dadah (Othman, 2005). Hal ini dapat membantu individu yang berada lama kesusahan (Bondi, 2007).

Kaunseling di sekolah amat penting kepada remaja untuk mereka membuat keputusan yang wajar selain memberi panduan apabila mereka menempuhi pelbagai kesusahan atau kesukaran apatha lagi ketika mendapat tekanan psikologikal dan emosi (Geldard & Geldard, 2001).

Selain rawatan melalui kaunseling, terdapat kaedah lain yang dapat meningkatkan tahap keupayaan remaja untuk berubah kepada lebih positif iaitu penyediaan ruang yang kondusif dan selesa. Berdasarkan satu kajian keberkesanan pelaksanaan program yang dijalankan di Taman Seri Puteri Batu Gajah, Perak dan Kompleks Dar-Assa'dah, Kuala Lumpur mendapati kekurangan infrastruktur dan

kerosakan fasiliti antara perkara yang perlu diatasi di peringkat awal (Azizi & Jesmin 2008). Untuk itu, kajian ini mencadangkan agar penyediaan ruang terapi diwujudkan di sekolah-sekolah sebagai alternatif kepada rawatan kaunseling yang sedia ada.

METODOLOGI

Kajian ini merupakan kaedah kualitatif dan ia dipilih kerana pengkaji berusaha untuk mencari bukti dan memberikan keterangan serta pemerhatian melalui keterangan, interpretasi atau makna dalam sesuatu proses mencari maklumat terperinci. Kaedah ini juga lebih merupakan usaha untuk memberikan keterangan tentang sifat dan keperluan penyediaan ruang dengan menggunakan pandangan pakar dalam bidang psikologi tentang apa-apa saja berkenaan dengan keperluan ruang terapi ini. Selain itu, penyelidikan kualitatif turut menekankan kepada kepentingan menjalankan penyelidikan dalam latar yang sebenar dan situasi sebenar sama ada yang sedang berlaku mahu pun yang sudah berlalu.

HASIL DAN PERBINCANGAN

Dapatan kajian meneliti hasil pemerhatian dan keperluan ruang yang diperlukan. Kajian dari tiga aspek yang dikaji iaitu: i) pemilihan lokasi ruang; ii) penyediaan kandungan dan susun atur ruang; dan iii) aplikasi oleh pihak sekolah menunjukkan peranan pihak sekolah wajar menyediakan ruang ini dan membantu murid mengurangkan tekanan emosi. Ini kerana ruang terapi tidak diperkenalkan di peringkat sekolah secara khusus. Oleh yang demikian, keperluan ruang menjadi rawatan alternatif kepada murid yang berkeperluan.

Sudah sampai masanya pihak sekolah mengatasi masalah kesihatan mental dalam kalangan pelajar di sekolah. Masalah ini perlu diatasi secara bersepadu dan mendapat sokongan Jabatan Pendidikan Negeri (JPN), Pejabat Pendidikan Daerah (PPD), Persatuan Ibu Bapa dan Guru (PIBG) dan agensi-agensi lain. Inisiatif penyediaan ruang khas di sekolah masing-masing tidak perlu mengeluarkan belanja yang besar namun cukup selesa untuk murid bersantai dan melepaskan permasalahan mereka melalui mendengar bunyian, bacaan ayat al-Quran, irama atau sekadar menonton. Semua ini memerlukan kepada garis panduan dan pemantauan dari pihak sekolah.

Sebagaimana keperluan prasarana Pengajaran dan Pembelajaran (PdP) yang lain iaitu bilik sumber, bilik ko-kurikulum, surau, makmal, padang dan kantin sekolah, ruang terapi perlu dijadikan salah satu fasiliti utama. Sekolah telah menyediakan kemudahan asas untuk memastikan keselesaan pelajar namun ruang terapi sering terabai kerana mungkin dianggap tidak penting. Dengan wujudnya ruang khas ini, pihak sekolah sekurang-kurangnya mampu memberi keselesaan serta suasana yang kondusif kepada pelajar sepanjang sesi terapi dilaksanakan.

Selain itu pihak sekolah bukan sahaja menyediakan ruang khusus malahan kaedah rawatannya juga wajib diambilkira antara cadangannya ialah dengan menggunakan sumber wahyu iaitu bacaan al-Quran yang digabungkan dengan bunyian alam tabie seperti desiran ombak, hujan, unggas, bunyian burung dan air sungai yang mengalir. Keadaan ini memperlihatkan pengaruh al-Quran sebagai al-Syifa' iaitu penawar dan penyembuh sebagaimana yang dinukilkan dalam surah al-Isra' ayat 82, surah Yunus ayat 57, surah Fussilat ayat 44.

يَا أَيُّهَا النَّاسُ قَدْ جَاءَكُمْ مَوْعِظَةٌ مِنْ رَبِّكُمْ وَشِفَاءٌ لِمَا فِي الصُّدُورِ وَهُدًى وَرَحْمَةٌ لِّلْمُؤْمِنِينَ ٥٧

“Wahai manusia, Sesungguhnya telah datang kepadamu pengajaran daripada Tuhanmu dan penyembuh (penyakit) yang berada di dalam dada-dada manusia”. (Yunus: 57)

وَنُنَزِّلُ مِنَ الْقُرْآنِ مَا هُوَ شِفَاءٌ وَرَحْمَةٌ لِّلْمُؤْمِنِينَ وَلَا يَزِيدُ الظَّالِمِينَ إِلَّا خَسَارًا ٨٢

“Dan kami (Allah) turunkan al-Quran yang padanya ada (ayat) penyembuh penyakit (fizikal) dan kerahmatan (kerohanian) bagi orang yang beriman.” (al-Isra': 82)

قُلْ هُوَ لِلَّذِينَ ءَامَنُوا هُدًى وَشِفَاءً

“Katakanlah al-Quran itu adalah petunjuk dan penyembuh penyakit bagi orang yang beriman” (Fussilat: 44)

Begitu juga hadith Rasulullah SAW yang turut membawa kisah bahawa penyembuhan boleh berlaku dengan menggunakan ayat al-Quran sebagaimana mafhum hadith peristiwa yang pernah berlaku apabila sahabat Nabi iaitu Abi Sa'id al-Khudri yang telah membacakan surah al-Fatihah dengan tujuan membantu merawat seorang ketua kabilah yang telah disengat binatang berbisa. Dengan keyakinan tersebut

serta keizinan daripada Allah SWT, ketua kabilah tersebut sembuh dari kesakitan. Nabi SAW mengakui apa yang dibacakan dan dilakukan oleh Abi Sa'id al-Khudri tersebut sehingga Baginda Nabi mengungkapkan "Bagaimana kamu tahu bahawa al-Fatihah itu ubat (penawar)?" Hadith ini merupakan hadith Sahih Bukhari Muslim.

Dalam situasi yang lain, Nabi SAW pernah ditimpa kesakitan dan baginda akan membacakan al-Muawwizat bagi merawat kesakitan tersebut. Daripada Aisyah RA "Bahawasanya Rasulullah SAW apabila sakit baginda membaca sendiri Al-Muawwizat (Surah Al-Ikhlâs, Surah Al-Falaq dan Surah An-Naas), kemudian meniup padanya. Dan apabila rasa sakitnya bertambah aku yang membacanya kemudian aku usapkan ke tangannya mengharap keberkahan dari surah-surah tersebut." Hadis riwayat al-Bukhari.

Gabungan teknologi juga merupakan salah satu alat bantu kepada pencapaian murid di sekolah. Sebagai contoh di dalam kajian Campbell, Milbourne, Dugan dan Wilcox (2006), kanak-kanak dilatih untuk menggunakan alat bantu komunikasi suara selari dengan konteks kanak-kanak khas pra sekolah semasa di dalam bilik darjah. Pengintegrasian elemen intervensi ini dalam proses rawatan membolehkan pihak sekolah mendapat pendedahan awal dan mengurangkan risiko sekolah menghadapi murid yang bermasalah dalam ketidakupayaan dan masalah pembelajaran (Saiful Azam 2020).

Sementara itu, pasukan penyelidikan dari University of Sussex yang diketuai oleh Dr Cassandra Gould van Praag (2017) menyatakan bahawa gabungan seni dan sains telah membantu manusia mencapai kesan positif dalam mengatasi masalah tekanan perasaan. *"We are all familiar with the feeling of relaxation and 'switching-off' which comes from a walk in the countryside, and now we have evidence from the brain and the body which helps us understand this effect. This has been an exciting collaboration between artists and scientists, and it has produced results which may have a real-world impact, particularly for people who are experiencing high levels of stress."*

Jelas beliau lagi bahawa memainkan bunyian alam tabie seperti bunyi tiupan angin, turut memberi kesan kepada sistem nervous yang mana ia akan memberi ketengan minda individu. Tambahnya lagi:

“The gentle burbling of a brook, or the sound of the wind in the trees can physically change our mind and bodily systems, helping us to relax. New research explains how, for the first time. ”

KESIMPULAN

Kaedah penyelesaian dan cara mengurangkan masalah kesihatan mental ini hanyalah sebahagian cadangan selain sesi kaunseling yang sudah pun dipraktikkan di sekolah-sekolah. Kajian mengharapkan penyediaan ruang terapi ini menyediakan garis panduan yang sewajarnya agar tidak disalahguna. Cadangan penempatan lokasi adalah berdasarkan budi bicara pihak sekolah namun sebaiknya ia memberi keselesaan dan selamat digunakan oleh murid yang benar-benar memerlukan. Kajian akan datang mengharapkan agar cadangan keperluan ruang terapi ini dapat diperluas ke peringkat Kementerian Pendidikan Malaysia bagi mengurangkan masalah dalam kalangan golongan murid. Agensi kerajaan dan sektor swasta di Malaysia yang mahir dalam bidang psikologi remaja turut disaran menjalinkan usahasama dalam menyumbang idea yang dapat merealisasikan penyediaan ruang terapi ini di sekolah-sekolah.

RUJUKAN

- M. Hanafi M. Yasin, Hasnah Toran, M. Mokhtar Tahar, Safani Bari, S. N. Nadirah Ibrahim & Rozniza Zaharudin (2013). Bilik Darjah Pendidikan Khas Pada Masa Kini Dan Kekangannya Terhadap Proses Pengajaran, *Asia Pacific Journal of Educators and Education*, (8), 1-9.
- Sohana Abdul Hamid (2019), Tahap Kesihatan Mental Dalam Kalangan Pelajar Institut Pengajian Tinggi: Kajian Literasi Mental Health Level Among Student Institute Of Higher Education: Literacy Study.e-Prosiding Persidangan Antarabangsa Sains Sosial dan Kemanusiaan, KUIS.329-336.
- Intan Nurhaila M. Safari, Norlija Kassim, N. Falihin Iskandar, M. Haazik M. & M. Yusof H. Abdullah (2011). Tahap Pengetahuan Mengenai Kesihatan Mental dalam Kalangan Pelajar Institut Pengajian Tinggi Awam (IPTA) : Kajian Kes di UKM, Bangi. *Jurnal Personalia Pelajar*, (14), 37-44.
- Masalah kesihatan mental remaja. Kementerian Kesihatan Malaysia. Dicapai pada 9 November 2020. <http://www.myhealth.gov.my/masalah-kesihatan-mental-remaja/>

- Halina Mohd Noor (2019, Oktober 22). *Saring tahap kesihatan mental remaja*, *Berita Harian*. Dimuat turun daripada <https://www.bharian.com.my/wanita/keluarga/2019/10/620330/saring-tahap-kesihatan-mental-remaja>
- Intan Mas Ayu Shahimi (2018, September 28). *Kesihatan mental remaja*, *Harian Metro*. Dimuat turun daripada <https://www.hmetro.com.my/hati/2018/09/381316/kesihatan-mental-remaja>
- Zsuzsanna Jakab (2011), *Designing the road to better health and well-being in Europe at the 14th European Health Forum Gastein, Bad Hofgastein, Austria*. [PowerPoint slides]. Dicapai Dimuat turun daripada https://www.euro.who.int/__data/assets/pdf_file/0003/152184/RD_Dastein_speech_wellbeing_07Oct.pdf
- Nur Ifarna Nasreen Anvardeen (2019, Oktober 1) *Masalah mental bermula dari rumah*. Dimuat turun daripada <https://www.malaysiakini.com/news/493957>
- Rahimah Abdullah (2018, Oktober 9). *Masalah mental kalangan remaja membimbangkan – kajian*. Dimuat turun daripada <https://www.astroawani.com/berita-malaysia/masalah-mental-kalangan-remaja-membimbangkan-kajian-187766>
- Editor Sinar Harian (2020, Julai 26). *KKM, KPM kaji tahap kesihatan mental pelajar*. Dimuat turun daripada <https://www.sinarharian.com.my/article/94094/BERITA/Nasional/KKM-KPM-kaji-tahap-kesihatan-mental-pelajar>
- Kementerian Pendidikan Malaysia (2013). *Pelan Pembangunan Pendidikan Malaysia*. Dimuat turun daripada <https://www.moe.gov.my/menumedia/media-cetak/penerbitan/1813-pppm-2013-2025/file>
- Zulkifli Bin Mohamad Al-Bakri (2016). *Irsyad Al-Fatwa Ke-125: Hukum Meruqyah Non-Muslim Dan Sebaliknya*. Dimuat turun daripada <https://muftiwp.gov.my/artikel/irsyad-fatwa/irsyad-fatwa-umum/1240-irsyad-al-fatwa-ke-125-hukum-meruqyah-non-muslim-dan-sebaliknya>
- Gould van Praag, C., Garfinkel, S., Sparasci, O. et al. (2017). *Mind-wandering and alterations to default mode network connectivity when listening to naturalistic versus artificial sounds*. *Sci Rep* 7, 45273. Dimuat turun daripada <https://doi.org/10.1038/srep45273>
- Saranya Ramakrishnan (2018, Disember), *Application of Virtual Reality in Healthcare Conference*, Denver, CO. Dimuat turun daripada https://www.researchgate.net/publication/329482727_Application_of_Virtual_Re

ality_in_Healthcare?fbclid=IwAR18wGKPDbj6odZ4W07sDYnqHg4_43338PVu8
tjH4h6EWOL0IVVidG_6FI#fullTextFileContent

Dokumen WHO 1949-1961. Dimuat turun daripada
<https://apps.who.int/iris/bitstream/handle/10665/37811/WHO-Mental-Health-1949-1961-eng.pdf?sequence=1&isAllowed=y>

Siti Saleha, Anisah Mohd Ali Dan Rosadah Abdul Majid (2019), Penyediaan Peralatan Main Bagi Memupuk Kemahiran interaksi Sosial Murid Prasekolah Masalah Pembelajaran. Dimuat turun daripada
https://www.researchgate.net/publication/334361694_PENYEDIAAN_PERALATAN_MAIN_BAGI_MEMUPUK_KEMAHIRAN_INTERAKSI_SOSIAL_MURID_PRASEKOLAH_MASALAH_PEMBELAJARAN

KERANGKA KONSEP KELUARGA MALAYSIA DALAM PENGURUSAN KONFLIK RUMAHTANGGA

Abdul Rashid Abdul Aziz ⁱ, Nurun Najihah Musa ⁱⁱ, Nur Ain Mustafar ⁱⁱⁱ, Nur Kareelawati Abd
Karim ^{iv} & Is'haq Ibrahim ^v

ⁱ (*Penulis Koresponden*). Fakulti Kepimpinan dan Pengurusan, Universiti Sains Islam Malaysia.
rashid@usim.edu.my

ⁱⁱ Fakulti Kepimpinan dan Pengurusan, Universiti Sains Islam Malaysia.
jihamura98@raudah.usim.edu.my

ⁱⁱⁱ Fakulti Kepimpinan dan Pengurusan, Universiti Sains Islam Malaysia.
ainmustafar98@raudah.usim.edu.my

^{iv} Fakulti Kepimpinan dan Pengurusan, Universiti Sains Islam Malaysia. kareelawati@usim.edu.my

^v Fakulti Kepimpinan dan Pengurusan, Universiti Sains Islam Malaysia. ishaq@usim.edu.my

Abstrak

*Institusi kekeluargaan di Malaysia dilihat semakin goyah dan hampir musnah disebabkan konflik rumahtangga yang gagal diselesaikan oleh ahlinya. Hal ini dapat dilihat melalui peningkatan kes dalam isu-isu membabitkan masalah institusi kekeluargaan di Malaysia. Bahkan, kes perceraian, keganasan rumahtangga dan penderaan kanak-kanak di Malaysia merekodkan peningkatan yang luar biasa pada tahun 2020. Lembaga Pembangunan Penduduk dan Keluarga Negara (LPPKN) telah melaporkan Indeks Kesejahteraan Keluarga Malaysia pada tahun 2019 masih kekal pada tahap sederhana iaitu 7.72. Terdapat pelbagai aspek yang perlu dikaji dalam pengurusan konflik rumahtangga bagi mencapai kesejahteraan keluarga sejajar dengan matlamat konsep keluarga Malaysia. Justeru, penulisan kertas konsep (*conceptual paper*) ini memberi tumpuan kepada kerangka konsep keluarga Malaysia sebagai satu kaedah mengatasi konflik rumahtangga. Metod kajian ini adalah berdasarkan kajian kualitatif melalui reka bentuk kertas kerja konsep (*concept paper*) dengan penggunaan teknik analisis kandungan dokumen. Dapatan kajian mendapati bahawa terdapat tiga konsep utama dalam keluarga Malaysia iaitu keterangkuman, kebersamaan dan kesyukuran yang boleh diaplikasikan dalam sesebuah keluarga bagi mengatasi dan mencegah konflik yang berlaku. Kesejahteraan keluarga amatlah penting dalam menggapai kesejahteraan sendiri dalam setiap diri ahlinya yang merupakan aspek penting dalam proses pembangunan negara. Oleh itu, kajian ini amatlah penting sebagai garis panduan kepada badan bertanggungjawab di Malaysia dalam memacu dan melahirkan keluarga sejahtera.*

Kata kunci: *Keluarga Malaysia, Pengurusan konflik & Kesejahteraan keluarga*

PENGENALAN

Konflik rumahtangga memberi tekanan dalam keluarga dan boleh mempengaruhi hubungan di antara ahli keluarga terutama suami dan isteri. Konflik merupakan perkara yang biasa terjadi dalam sesuatu hubungan. Apabila konflik dalam hubungan berterusan, ia mewujudkan tekanan yang boleh menjejaskan kesihatan dan kesejahteraan keluarga. Natiujahnya, institusi kekeluargaan di Malaysia dilihat semakin goyah dan hampir musnah kerana konflik rumahtangga yang gagal diselesaikan oleh ahlinya. Hal ini dapat dilihat melalui peningkatan kes dalam isu-isu membabitkan masalah institusi kekeluargaan di Malaysia. Isu-isu seperti kes perceraian, keganasan rumahtangga dan penderaan kanak-kanak di Malaysia merekodkan peningkatan yang luar biasa pada tahun 2020. Hal ini diburukkan lagi dengan penularan wabak COVID-19 di Malaysia dan pelaksanaan Perintah Kawalan Pergerakan (PKP) bagi mengekang pandemik ini. Laporan Statistik Perkahwinan dan Perceraian Malaysia pada tahun 2020 menunjukkan jumlah perceraian dalam kalangan rakyat negara ini meningkat sebanyak 12 peratus iaitu sebanyak 56,975 kes perceraian direkodkan pada 2019 berbanding 50,862 pada tahun sebelumnya (Jabatan Perangkaan Malaysia, 2021).

Konflik boleh menjadi sesuatu yang positif kerana ia dapat menggalakkan individu untuk memahami punca dan jalan penyelesaiannya. Ia juga boleh menjana penyelesaian kreatif kepada masalah (Nurul Naimah Rose dan Mohd Yusri Mustaffa, 2018). Namun begitu, konflik yang tidak dapat diselesaikan dengan baik menjadi punca kepada perceraian dan keruntuhan institusi keluarga. Pendedahan kepada konflik boleh menyebabkan seseorang mengalami sakit kronik yang berkaitan dengan tekanan, seperti sakit kepala dan sakit belakang atau leher (Hannibal & Bishop, 2014). Situasi ini dilihat sebagai tidak sihat dalam konteks kesejahteraan keluarga. Oleh itu, tekanan perlu diuruskan dengan baik agar tidak mengganggu kualiti hidup. Sementara itu, laporan dari Pertubuhan Pertolongan Wanita (*Women's Aid Organization, WAO*) pada tahun 2020 menunjukkan permasalahan mengenai keganasan rumah tangga yang dikumpul menerusi talian perkhidmatan WAO meningkat sebanyak 3.4 kali ganda pada Mei 2020 berbanding ketika awal PKP dilaksanakan pada Mac 2020. Tambahan itu, bagi kes penderaan emosi kanak-kanak pula sebanyak 124 kes dicatatkan pada

tahun 2018, diikuti 113 kes pada tahun 2019 dan meningkat kepada 131 kes sehingga September 2020. Kesemua statistik ini tidak harus dipandang enteng. Sekiranya dibiarkan, situasi ini akan menjadi lebih parah yang akan menyumbang kepada lebih banyak masalah sosial dalam masyarakat.

Konsep 'Keluarga Malaysia' telah menjadi sebutan apabila ia diperkenalkan oleh Perdana Menteri, YAB Datuk Seri Ismail Sabri Yaakob pada 22 Ogos 2021 dan ia dianggap sebagai satu simbol kebersamaan yang inklusif (Bernama, 2021) dalam menghadapi konflik rumahtangga. 'Keluarga Malaysia' jelas menunjukkan kepentingan institusi keluarga dalam menghadapi situasi yang mencabar masa kini seperti pasca pandemik COVID-19 dan era Revolusi Industri 5.0. Bersandarkan konsep 'Keluarga Malaysia' ini, negara akan dipacu untuk keluar daripada konflik kesihatan terutamanya dalam aspek kesihatan mental, seterusnya menjamin kesejahteraan setiap penduduk di negara bertuah ini. Oleh itu, objektif kertas konsep ini adalah untuk melihat peranan dari konsep keluarga Malaysia dalam membantu pengurusan konflik rumahtangga.

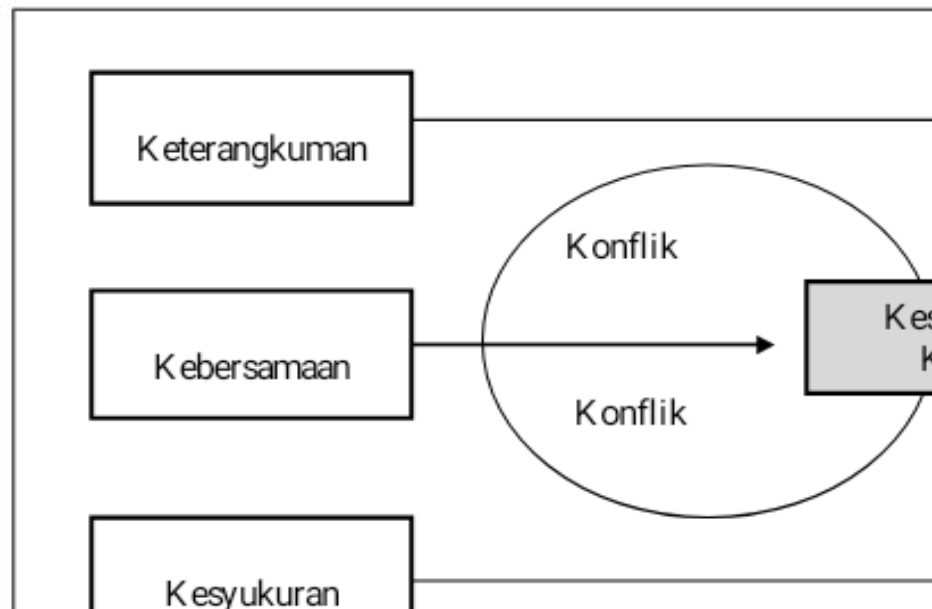
METODOLOGI

Metod kajian ini adalah berdasarkan kajian kualitatif melalui reka bentuk kertas kerja konsep (*concept paper*). Teknik kajian pula melalui analisis kandungan dokumen. Terdapat lapan langkah penting yang terkandung dalam proses analisis kandungan kualitatif yang dicadangkan oleh Zhang dan Wildermuth (2009) melalui pengumpulan dan penganalisan data iaitu:

- 1) Persediaan data
- 2) Mentakrifkan unit analisis
- 3) Membina kategori dan skema pengekodan
- 4) Menguji skema pengekodan melalui teks sampel
- 5) Pengekodan teks
- 6) Menilai ketekalan pengekodan
- 7) Kesimpulan daripada data yang telah dikod
- 8) Laporan kaedah dan hasil kajian

HASIL DAN PERBINCANGAN

Kerangka konsep keluarga Malaysia dilihat mampu menjadi solusi kepada konflik rumahtangga. Hal ini kerana, tiga elemen yang digariskan meliputi aspek kesejahteraan keluarga. Hasil analisis menunjukkan dapatan dari konsep keluarga Malaysia ini membantu dalam pengurusan konflik rumahtangga.



Rajah 1: Konsep Keluarga Malaysia dalam Menguruskan Konflik

Konsep Keterangkuman

Konsep keterangkuman memberi penekanan aspek penyemaian budaya integriti dalam sesebuah keluarga. Konsep ini membawa nilai inklusif yang membawa maksud penerapan nilai secara menyeluruh. Hal ini membawa maksud kepada usaha pengkayaan nilai untuk menyemai budaya integriti dalam sesebuah keluarga. Sehubungan itu, konsep ini bertujuan untuk menjadikan budaya bersikap amanah dalam keluarga, keadilan sebagai tunjang pengukuhan institusi keluarga dan bermusyawarah sebagai amalan keluarga. Selain itu, pemupukan budaya ilmu, menyuburkan budaya komunikasi berhemah dan membina akhlak mulia di kalangan ahli keluarga merupakan elemen yang diterapkan dalam konsep keterangkuman ini. Konsep ini adalah bersifat inklusif merentasi sempadan agama, bangsa dan kaum yang menjadi titik tolak bahawa Malaysia sebagai sebuah negara berbilang kaum dan

seluruh rakyat Malaysia perlu bekerjasama dan sama-sama berusaha ke arah kemajuan dan kesejahteraan hidup sebagai sebuah keluarga yang utuh (Suhaila, 2022). Konsep keterangkuman menyemai dan menerapkan sifat cinta dan kasih merentasi segala aspek. Aspek-aspek tersebut termasuklah agama, keturunan, warna kulit dan sempadan negeri (Al-Azharri, 2021). Konsep keterangkuman ini juga boleh dikaitkan dengan budaya kolektivisme yang mana menekankan aspek kesejahteraan boleh dicapai sekiranya ada kerjasama dari kelompok dan ahli yang mewakili kelompok (Nezlek & Humphrey, 2021). Dalam konteks ini ahli keluarga dilihat sebagai elemen yang saling berkait dan melengkapi dalam mencapai kesejahteraan.

Konsep Kebersamaan

Konsep kebersamaan pula menitikberatkan nilai-nilai seperti bersatu padu, prihatin dan transformasi politik. Nilai-nilai ini membawa kepada pengukuhan rasa kebertanggungjawaban terhadap keluarga, pembudayaan amalan ihsan dan penerapan suasana harmoni dalam institusi kekeluargaan. Nilai tersebut juga berkait dalam membina akhlak mulia. Nilai ini disokong oleh Ajmain et al., (2019), yang menyatakan bahawa penerapan akhlak dan jati diri yang mantap dalam diri anak-anak amat penting. Penerapan akhlak yang baik ini bukan sahaja menguntungkan keluarga, bahkan dapat memberi sumbangan kepada masyarakat sekitar. Kebersamaan yang dapat membentuk keharmonian rumahtangga juga disulami dengan ahli keluarga yang mempunyai hubungan emosi dan rapat antara satu sama lain, saling menyokong dan mengambil berat (Desa et al., 2015). Kebersamaan merupakan salah satu kemahiran keibubapaan yang penting dalam keluarga. Jika kefungsiannya keluarga dan kesejahteraan psikologi tidak diperoleh, maka anak-anak mungkin membesar dengan personaliti yang negatif (Desa et al., 2015). Menurut Amran et al., (2012) menjelaskan bahawa kebersamaan akan membawa kebaikan dalam institusi kekeluargaan kerana saling mengawal dan menjaga antara satu sama lain.

Konsep Kesyukuran

Penekanan aspek nilai keharmonian dan kecintaan menjadi elemen penting dalam konsep kesyukuran. Oleh itu, pengkayaan nilai dalam konsep kesyukuran ini mewakili aspek beriman, mempraktikkan amalan sihat fizikal dan mental, mengekalkan aspek tradisi dan adat dalam kekeluargaan, penerapan nilai kasih sayang, hormat-

menghormati dan taat. Berdasarkan penerapan nilai positif ini dapat menerapkan konsep kesyukuran dalam sesebuah institusi keluarga sekaligus mengukuhkan ikatan kekeluargaan. Kajian lepas juga menunjukkan bahawa keluarga yang bersatu, saling berkasih sayang, sentiasa bersama dan melengkapi antara satu sama lain, dan saling menggembirakan antara satu sama lain adalah keluarga yang harmoni (Ajmain et al., 2019). Bersyukur juga merupakan antara nilai yang dapat membina kekuatan jiwa seseorang lantas membawa kepada kesejahteraan keluarga (Jamaluddin et al., 2017). Insan yang bersyukur akan mempunyai nilai amanah dan tanggungjawab dalam dirinya terhadap keluarga dan masyarakat sekeliling. Menurut Jamaluddin et al., (2017), bersyukur merupakan salah satu nilai kekeluargaan yang dapat membentuk keperibadian mulia dalam diri seseorang. Bersyukur juga memberikan banyak pengajaran dalam perkembangan, kedewasaan dan kesedaran diri seseorang (Irfan dan Sofwan, 2019). Selain itu, bersyukur mempunyai hubungkait dengan kebahagiaan. Ini kerana, individu yang sentiasa bersyukur adalah individu yang bahagia (Dyah et al., 2018)

KESIMPULAN

Umumnya, dalam setiap perkahwinan akan berlakunya cabaran dan konflik. Namun begitu, konflik yang berlaku hendaklah diurus dengan baik supaya tidak membawa kemudaratan yang berpanjangan kepada kedua pasangan. Pengkajian berhubung pengurusan konflik dalam institusi kekeluargaan ini juga dapat membantu dalam memahami bentuk penyelesaian masalah yang digunakan oleh pasangan. Kemampuan untuk membina strategi daya tindak yang positif hanya boleh dilakukan apabila individu mampu mengawal tekanan emosi, tekanan sosial dan tekanan biologi yang wujud. Di samping itu, lebih banyak kajian harus dilakukan berkaitan konsep keluarga Malaysia dan bagaimana ia memberi kesan kepada kesejahteraan dalam rumahtangga. Selain kementerian keluarga Malaysia yang dibangunkan ini, agensi kerajaan yang bertanggungjawab untuk memperkasakan keluarga seperti Jabatan Agama dan Kementerian Pembangunan Wanita, Keluarga dan Masyarakat disarankan untuk merangka pelbagai program bagi menjamin kesejahteraan dan kelangsungan institusi kekeluargaan di Malaysia. Pembinaan modul kesejahteraan keluarga juga harus dipertimbangkan dalam memperkasakan keluarga Malaysia. Sukatan pelajaran yang

merangkumi ilmu kekeluargaan juga harus didedahkan agar ilmu kekeluargaan ini dapat dikongsi kepada masyarakat seawal usia pelajar sekolah.

RUJUKAN

- Ajmain, M. T., Zulkifly, M. N. I., Hussain, M. Z. M., Mohamad, A. E., & Rosli, M. A. (2019). Kaedah dan Ciri Pendidikan dalam Melahirkan Sebuah Keluarga yang Sejahtera. *ResearchGate*.
- Al-Azharri Siddiq Kamunri. (2021, 24 Ogos). Apa dia 'Keluarga Malaysia'? *Malaysiakini*. Diakses pada 25 Nov 2021 dari <https://www.malaysiakini.com/letters/588404>
- Amran, H., Fatimah, Y. & Khadijah, A. (2012). The Relationship between Parental Skill and Family Functioning to the Psychological Well-Being of Parents and Children. *International Conference on Humanity, History and Society*, 34.
- Bernama. (2021). *Kerajaan keluarga Malaysia cari kebersamaan, kesepakatan-* Ismail Sabri. <https://www.bernama.com/bm/news.php?id=2127949>
- Desa, A., Yusoooff, F., Zamani, A., Kadir, N. B. A., & Sani, M. N. M. (2015). Kemahiran keibubapaan, kefungsiannya keluarga dan kesejahteraan psikologi dalam kalangan ibubapa. *Jurnal Psikologi Malaysia*, 29(2), 32-42.
- Dyah, P., Sofia, N. K., & Swarinda, T. (2018). Efek Syukur Pembawa Kebahagiaan Pada Novel Keluarga. *Alayasastera*, 14(2), 93-100.
- Hannibal, K.E., & Bishop, M. D. (2014) Chronic stress, cortisol dysfunction, and pain: A psychoneuroendocrine rationale for stress management in pain rehabilitation. *Phys Ther.* 94(12):1816-25. doi:10.2522/ptj.20130597
- Irfan Dwi Prastyo, & Much Sofwan Zarkasi. (2019). Wujud Rasa Syukur Sebagai Keluarga Petani dalam Visual Karya Seni Grafis. *Brikolase Jurnal Kajian Teori Praktik dan Wacana Seni Budaya Rupa*, 11(1), 52-69.
- Jamaluddin, R., Bakar, A. R., & Sulaiman, S. S. (2017). Penerapan Nilai Kekeluargaan: Adakah Ianya Penting? *Sains Humanika*, 9(1-5), 87-92.

- Media Baharu. (2021, 8 Oktober). Keterangkuman, Kebersamaan dan Kesyukuran, teras dan tekad Keluarga Malaysia bebaskan negara daripada belunggu COVID-19. *Berita RTM*. <https://berita.rtm.gov.my/index.php/covid-19/30261-keterangkuman-kebersamaan-dan-kesyukuran-teras-dan-tekad-keluarga-malaysia-bebaskan-negara-daripada-belunggu-covid-19>
- Nezlek, J. B., & Humphrey, A. (2021). Individualism, collectivism, and well-being among a sample of emerging adults in the United States. *Emerging Adulthood*, 21676968211054596.
- Nurul Naimah Rose, & Mohd Yusri Mustafa. (2018). Tekanan dalam kalangan Wanita Bekerja: Khidmat Bantu Kaunseling Menggunakan Konsep Teori Tekanan Lazarus dan Praktis Terapi Berfokus Solusi. *Asian Social Work Journal*, 3(1), 28 - 34.
- Pejabat Ketua Perangkawan Malaysia, Jabatan Perangkaan Malaysia. (3 Disember 2021). *Kenyataan Media Bagi Perangkaan Perkahwinan Dan Perceraian, Malaysia, 2021*. https://www.dosm.gov.my/v1/uploads/files/5_Gallery/2_Media/4_Stats%40media/4-Press_Statement/2021/12%20Dis/KAHWIN%20CERAI%2C%20MALAYSIA%202021.pdf
- Suhaila Abdullah. (2022). Keselarasan Teori Ketamadunan Ibn Khaldun Dengan Konsep Keluarga Malaysia. *Jurnal Pengajian Islam*, 154-167.
- Women's Aid Organization (WAO). (2020). *Domestic Violence Statistics*. <https://wao.org.my/domestic-violence-statistics/>
- Zhang, Y., & Wildemuth, B. (2009). *Qualitative Analysis of Content*. Applications of Social Research Methods to Questions in Information and Library Science. 308–319. Westport, CT: Libraries Unlimited.

WAKAF MENYOKONG BANTUAN KEPADA ORANG KURANG UPAYA (OKU) DI MALAYSIA

Farhana Mohamad Suhaimi ⁱ

ⁱ (Penulis Koresponden). Pensyarah Kanan. Fakulti Syariah dan Undang-Undang, Universiti Sains Islam Malaysia. farhanams@usim.edu.my

Abstrak

Orang Kurang Upaya (OKU) merujuk kepada individu yang tidak berupaya menentukan sendiri bagi memperoleh sepenuhnya ataupun sebahagian daripada keperluan mereka disebabkan sesuatu kekurangan, sama ada daripada segi fizikal ataupun mental, sama ada ia berlaku semenjak lahir ataupun kemudiannya. Mereka ini mengalami keterbatasan mobilisasi sama ada anggota fizikal mahupun mental dalam menjalani kehidupan seharian. Tumpuan perlu diberikan kepada OKU sebagai sebahagian ahli masyarakat yang memerlukan sokongan untuk hidup berdikari. Oleh yang demikian, wakaf juga berperanan membantu kerajaan dalam menyokong meningkatkan kualiti kehidupan OKU dan ke arah memperkasa komuniti yang produktif dan sejahtera. Objektif kertas kerja ini adalah untuk melihat kemudahan dan keistimewaan OKU sedia ada dan bagaimana projek wakaf sedia ada menyumbang dalam usaha menyokong OKU di Malaysia. Kajian yang dijalankan adalah kajian berbentuk kualitatif dan data diperolehi melalui analisis dokumen. Hasil kajian mendapati sumbangan wakaf tidak bersifat eksklusif, malah turut merangkumi keperluan OKU, walau bagaimanapun pelbagai inisiatif baru dengan kerjasama pihak berwajib yang bertanggungjawab dalam hal ehwal OKU boleh diperluaskan lagi untuk kemaslahatan OKU dan kesejahteraan masyarakat.

Kata kunci: Wakaf, OKU, Pengurusan Wakaf

PENGENALAN

Pertubuhan Kesihatan Sedunia (WHO) dan Pertubuhan Bangsa-bangsa Bersatu (PBB) telah mentakrifkan Orang Kurang Upaya sebagai seseorang yang tidak berupaya menentukan sendiri bagi memperoleh sepenuhnya ataupun sebahagian daripada keperluan biasa seseorang individu dan/atau tidak dapat hidup bermasyarakat sepenuhnya disebabkan sesuatu kekurangan, sama ada daripada segi fizikal, mental, dan sama ada ia berlaku semenjak lahir ataupun kemudiannya (WHO, 1992).

Dalam konteks Malaysia, merujuk kepada seksyen 2 Akta Orang Kurang Upaya 2008, Orang Kurang Upaya ialah mereka yang mempunyai kekurangan jangka panjang fizikal, mental, intelektual atau deria yang apabila berinteraksi dengan pelbagai halangan boleh menyekat penyertaan penuh dan berkesan mereka dalam masyarakat (Akta OKU, 2008). OKU merupakan seseorang individu yang mengalami keterbatasan mobilitasi merujuk kepada jenis kecacatannya, sama ada fizikal (anggota), mahupun mental (ringan, sederhana, berat), penglihatan, dan pendengaran (M. H. A. Rahman, 2009).

Istilah lain yang sering digunakan dalam mentakrifkan OKU adalah sebagai Orang Kelainan Upaya. Ini memandangkan perbezaan asal OKU bukanlah dari segi fizikal tetapi keupayaannya disebabkan oleh kelahiran secara semula jadi ataupun disebabkan kejadian yang tidak diingini terjadi padanya. Oleh itu, bagi mengkategorikan golongan ini, terdapat sesetengah pihak yang menggunakan istilah 'Orang Kelainan Upaya' (A. H. Ahmad, 2012). Penggunaan istilah ini dianggap lebih menyantuni golongan OKU itu sendiri memandangkan penggunaan istilah 'orang kurang upaya' boleh menimbulkan persepsi negatif terhadap golongan tersebut. Namun, penggunaan istilah Orang Kurang Upaya adalah lebih tepat. Penggunaan istilah ini juga selaras dengan Akta Orang Kurang Upaya 2008 yang menetapkan takrifan kurang upaya bagi mereka yang mempunyai kekurangan jangka panjang fizikal, mental, intelektual atau deria apabila berinteraksi dengan pelbagai halangan boleh menyekat penyertaan penuh dan berkesan golongan itu dalam masyarakat (Sinar Harian, 6 April 2021).

LATAR BELAKANG KAJIAN

Statistik daripada Pertubuhan Kesihatan Sedunia menunjukkan Orang Kurang Upaya (OKU) merupakan 15 peratus daripada jumlah penduduk di dunia ini. Di Malaysia, statistik daripada Jabatan Kebajikan Masyarakat (JKM) merekodkan jumlah OKU di Malaysia yang berdaftar dengan JKJ mengalami peningkatan daripada 453,258 orang bagi tahun 2017 kepada 548,186 orang bagi tahun 2019. Penemuan utama menunjukkan Kurang Upaya Pembelajaran mempunyai bilangan teramai iaitu 186,696 orang, diikuti dengan Kurang Upaya Fizikal (197,412 orang), Kurang Upaya Penglihatan (48,643

orang), Kurang Upaya Mental (45,399 orang), Kurang Upaya Pendengaran (38,675 orang), Kurang Upaya Pelbagai (25,549 orang) dan Kurang Upaya Pertuturan sebanyak 2,812 orang (Jabatan Kebajikan Masyarakat, 2019). Jumlah orang kurang upaya (OKU) yang berdaftar telah meningkat sebanyak 8 peratus, iaitu daripada 548 ribu pada tahun 2019 kepada 593 ribu pada tahun 2020.

Peningkatan jumlah ini menunjukkan terdapat keperluan yang nyata terhadap penyediaan kemudahan untuk golongan Orang Kurang Upaya bagi mengurangkan kebergantungan mereka malah, menyokong kemandirian OKU dalam menguruskan kehidupan seharian. Tanpa kemudahan sokongan yang diperlukan, pergerakan mereka lebih terbatas dan menghadkan aktiviti harian mereka. Malah turut mengekang potensi mereka untuk hidup berdikari dan turut berfungsi dalam masyarakat. Selain menjadi tanggungjawab kerajaan untuk memenuhi keperluan OKU yang merupakan sebahagian daripada masyarakat, wakaf juga turut berperanan menyokong untuk mengukuhkan bantuan kepada OKU. OKU mempunyai kesaksamaan hak dan peluang untuk menjalani kehidupan seperti anggota masyarakat yang lain. Pendekatan berasaskan hak dan juga perlindungan wajar digunakan bagi menjamin kepentingan dan kesejahteraan OKU.

KAJIAN LEPAS

Wakaf adalah menahan harta untuk tujuan kebaikan dan kebajikan kerana Allah s.w.t. Wakaf juga merupakan sumbangan masyarakat secara sukarela yang diberikan untuk apa-apa tujuan yang membawa kebaikan termasuklah bagi tujuan memenuhi keperluan masyarakat. Keistimewaan elemen wakaf yang perlu bersifat tahan lama dan tidak mudah rosak menjadikan sebagai sedekah jariah (sedekah yang berterusan). Ganjaran pahala pewakaf akan mengalir dan berkekalan selagi harta yang diwakafkan itu boleh diambil manfaatnya.

Berdasarkan sejarah, pembiaya projek wakaf berskala besar adalah terdiri daripada pemerintah, isteri dan keluarga pemerintah, kerabat di raja serta golongan atasan. Malah projek berskala besar seperti masjid, istana, rumah musim panas diwakafkan oleh wanita dari golongan atasan, kebanyakan isteri pemerintah dan wanita yang terlibat dalam kehakiman (*court ladies*), namun ada juga projek wakaf yang

berskala kecil (Dragana Amedoski, 2009). Pelbagai aktiviti kebajikan, keagamaan, pendidikan, kesihatan dan sebagainya telah dilaksanakan menerusi wakaf mencakupi pelbagai lapisan masyarakat termasuklah kemudahan kepada OKU.

Menurut Abattouy & Al-Hassani (t.t), golongan Muslim yang kaya, khasnya pemerintah, telah mewakafkan harta seperti kedai, karavanserai, ladang gandum atau tanah yang digunakan bagi membiayai bangunan dan kos pengurusan hospital wakaf. Fazlur Rahman menukilkan sebagai contohnya, al-Walid ibn Abd al-Malik telah menubuhkan *bimaristan* bagi merawat pesakit kusta dan orang hilang penglihatan (buta). Selain itu, Khalifah Harun al-Rashid dan Khalifah al-Mu'tadid telah menubuhkan hospital di Baghdad, Mekah dan Madinah dan kebanyakan hospital tersebut menyediakan wad khas untuk pesakit mental, kanak-kanak dan wanita berusia.

Selain itu, Orbay, K. (2017) juga menukilkan bahawa walaupun golongan yang memerlukan atau orang kurang upaya berhak menerima makanan dan wang saraan daripada wakaf diraja. Namun, keutamaan wakaf bukanlah dengan memberi makanan dan elaun bulanan secara percuma, tetapi untuk menyediakan pekerjaan kepada mereka. Ini bermakna untuk memahami fungsi bantuan wakaf kemiskinan, seseorang itu perlu mencuba terlebih dahulu melihat kepada pekerjaan yang tidak mahir dan sambilan. Sekiranya seseorang itu tidak dapat bekerja kerana usia atau kecacatan atau semata-mata kerana tiada kekosongan jawatan yang bersesuaian, maka barulah dimasukkan dalam senarai sebagai benefisiari. Terdapat juga sebuah wakaf korporat di Turki, Yayasan Sabanci yang memberi tumpuan secara langsung kepada wanita, belia dan orang kurang upaya (Ismail Abdel Mohsin, M., 2013).

Berdasarkan kajian lepas di atas, sumbangan wakaf secara umum adalah bersifat inklusif untuk semua, manakala sumbangan wakaf yang dikhususkan kepada OKU lebih tertumpu kepada kemudahan dalam aspek kesihatan. Ini kerana dalam hal melibatkan OKU, antara perkara penting yang perlu diberi perhatian adalah aspek kesihatan. Menurut Amin, A. S., & Manap, J. (2015) bagi OKU yang mendapat simptom penyakit ataupun kecederaan, kekangan kewangan dan geografi telah menyebabkan mereka tidak mendapat rawatan perubatan awal dan akibatnya menjadi kurang upaya kekal. Setelah menjadi kurang upaya fizikal, mereka terpaksa berhadapan dengan halangan persekitaran dalam mendapatkan akses kepada pendidikan formal.

Akibatnya sebahagian daripada mereka tidak dapat meneruskan pengajian dan mempunyai tahap pendidikan yang rendah. Implikasinya mereka sukar untuk mendapat peluang pekerjaan dan terdedah kepada risiko kemiskinan. Justeru, akses kepada kesihatan, pengangkutan awam, pendidikan dan bangunan terutamanya di kawasan luar bandar perlu dipertingkatkan untuk mengurangkan risiko ketidakupayaan kekal dan membolehkan golongan OKU dapat berdikari serta memberi sumbangan kepada komuniti secara optimum. Justeru itu, artikel ini akan melihat kemudahan dan keistimewaan OKU yang sedia ada dan bagaimana projek wakaf kontemporari menyumbang dalam usaha menyokong OKU khususnya di Malaysia.

HASIL DAN PERBINCANGAN

Bagi menyokong keperluan OKU, Kerajaan Malaysia telah menyediakan pelbagai kemudahan dan keistimewaan lain kepada OKU yang berdaftar menerusi Jabatan Kebajikan Masyarakat. Antara kemudahan dan keistimewaan yang disediakan adalah seperti dalam Jadual 1.

Jadual 1. Kemudahan dan Keistimewaan OKU di Malaysia

Kementerian/ Agensi	Kemudahan dan Keistimewaan	Bidang	Kategori OKU Berdaftar	Tahap
Kementerian Pendidikan	Memberikan kemudahan pendidikan dengan menyediakan kelas khas kepada kanak-kanak OKU penglihatan, pendengaran dan bermasalah pembelajaran.	Pendidikan	OKU Penglihatan, Pendengaran dan Bermasalah Pembelajaran.	Kanak-kanak
	Elaun sebanyak RM150 sebulan diberikan kepada pelajar kurang upaya yang berdaftar di sekolah rendah dan menengah.	Pendidikan	Semua OKU	Pelajar sekolah
Kementerian Pengajian Tinggi (KPT)	Bantuan kewangan kepada semua pelajar OKU yang melanjutkan pengajian di IPTA, IPTS (yang	Pendidikan	Semua OKU	Pelajar di IPT, Politekn

	diluluskan oleh KPT), Politeknik dan Kolej Komuniti yang berada di bawah kawal selia KPT dan wang saku bagi pelajar sepenuh masa yang layak.			ik dan Kolej Komuniti
Kementerian Kewangan / Lembaga Hasil Dalam Negeri	Pelepasan cukai pendapatan bagi anak kurang upaya yang belajar di IPT	Pendidikan	Semua OKU	Dewasa
	Pelepasan cukai pendapatan kepada majikan yang mengambil pekerja OKU.	Ekonomi	Semua OKU	Majikan
	Pelepasan cukai sehingga RM5,000 bagi membeli alat-alat khas untuk kegunaan sendiri, anak atau ibu bapa OKU.	Kesihatan	Semua OKU	Dewasa
	Pelepasan cukai diri sebanyak RM6,000 kepada OKU dan kepada pasangan OKU sebanyak RM3,500.	Sara hidup	Semua OKU	Dewasa
	Pengecualian 100% duti eksais ke atas kenderaan OKU	Pengangkutan	Semua OKU	Dewasa
	Pengecualian duti import dan cukai jualan ke atas semua peralatan direka khas untuk kegunaan OKU.	Kesihatan	Semua OKU	Dewasa
Kementerian Pengangkutan	Pengecualian cukai jalan dan diskaun tambang pengangkutan awam	Pengangkutan	Semua OKU	Semua
Kementerian Wilayah Persekutuan	Kemudahan perumahan dengan kadar sewa rumah yang rendah kepada OKU yang menyewa rumah kos rendah atau rumah pangsa Dewan Bandaraya Kuala Lumpur	Perumahan	Semua OKU	Dewasa

Syarikat Perumahan Negara	Potongan 20% harga pembelian rumah	Perumahan	Semua OKU	Dewasa
Kementerian Kesihatan	Pengecualian bayaran rawatan perubatan	Kesihatan	Semua OKU	Semua
Jabatan Tenaga Kerja	Dasar satu peratus pekerjaan dan peluang pekerjaan di sektor awam diperuntukkan kepada golongan OKU	Ekonomi	Semua OKU	Dewasa
	Sistem penempatan OKU pendaftaran secara atas talian kepada majikan dan pencari kerja	Ekonomi	Semua OKU	Dewasa
	Skim Bantuan Galakan Perniagaan Orang Kurang Upaya (SBGP – OKU)	Ekonomi	Semua OKU	Dewasa
Jabatan Perkhidmatan Awam	Kemudahan pencen terbitan kepada anak OKU penjawat awam yang telah meninggal dunia	Sara hidup	Semua OKU	Anak
	Kakitangan perkhidmatan awam yang mempunyai anak-anak OKU dibenarkan bekerja mengikut jam fleksi untuk menguruskan kebajikan anak mereka.	Kebajikan	Semua OKU	Dewasa
Kementerian Dalam Negeri	Kemudahan pengecualian bayaran membuat MyKad, carian sijil kelahiran atau sijil kematian dan dokumen perjalanan	Kebajikan	Semua OKU	Semua
Telekom Malaysia	Kemudahan telekomunikasi dan multimedia	Perhubungan	Semua OKU	Semua

Sumber: Diubahsuai daripada Jabatan Pembangunan Orang Kurang Upaya (JPOKU) (t.t)

Walaupun kerajaan telah membangunkan dasar, polisi dan menyediakan pelbagai kemudahan dan keistimewaan untuk OKU dalam pelbagai aspek kesihatan, pendidikan, sara hidup, ekonomi, pengangkutan, perumahan, perhubungan dan kebajikan. Namun tidak dapat dinafikan peningkatan jumlah OKU yang berdaftar di Malaysia juga menunjukkan bahawa lebih banyak keperluan dan kemudahan OKU perlu dipertingkatkan dan diberi perhatian.

Persekitaran seseorang mempunyai kesan yang besar terhadap pengalaman dan tahap ketidakupayaan. Persekitaran yang tidak boleh diakses mewujudkan halangan yang sering mengekang penyertaan penuh dan berkesan OKU dalam masyarakat secara sama rata dengan orang lain. Kemajuan dalam meningkatkan penyertaan sosial boleh dibuat dengan menangani halangan ini dan memudahkan orang kurang upaya dalam kehidupan seharian mereka (WHO, 2022). Justeru, sokongan dan galakan dalam aspek material dan bukan material perlu dilakukan secara berterusan dan bersama untuk memastikan penyertaan secara penuh OKU dalam masyarakat. Ini dapat membantu OKU berhadapan pelbagai halangan persekitaran dan sikap masyarakat. Walaupun menjadi tanggungjawab kerajaan untuk menyediakan kemudahan yang sebaiknya untuk OKU, namun sifat prihatin dan ingin menyumbang untuk kebaikan masyarakat juga seharusnya dipupuk dalam kalangan masyarakat agar kehidupan bermasyarakat lebih harmoni dan saling menghormati. Sifat ini dapat disuburkan antaranya menerusi wakaf.

Fungsi wakaf dalam bidang sosial amat penting dalam menyokong pembangunan sosioekonomi masyarakat pada umumnya dan khususnya kepada golongan yang memerlukan. Sumbangan wakaf di Malaysia dilihat dalam menyediakan pelbagai fasiliti dan menyokong pelaksanaan pelbagai kemudahan dan keperluan untuk masyarakat dalam pelbagai aspek. Bagi warga OKU khususnya, sumbangan wakaf dibahagikan dalam aspek seperti pendidikan, kesihatan dan pembangunan ekonomi.

Dalam aspek pendidikan OKU, antara projek kemudahan OKU yang dibangunkan menerusi wakaf adalah pembangunan Pusat Autisme, aplikasi Android Quran Isyarat, alat mesin pencetak Braille serta wakaf van OKU. Pembangunan Pusat Autisme di Negeri Perlis berkonsepkan wakaf melalui program Wakaf Tunai MAIPs diusahakan oleh Majlis Agama Islam dan Adat Istiadat Melayu Perlis (MAIPs). Projek

Fasa 1 bermula pada tahun 2021 melibatkan kos awal berjumlah RM1 juta. Pusat Autism ini merupakan sebuah pusat penjagaan dan pendidikan harian khusus kepada golongan anak-anak istimewa autism bagi memastikan perkembangan menyeluruh golongan istimewa ini melalui pendekatan terapi, kurikulum pendidikan dan latihan berasaskan pekerjaan yang diperlukan oleh warga komuniti. Selain itu, pusat ini turut menyediakan latihan, pengajaran dan pembelajaran, pembangunan teknologi dan sumber pendidikan bagi meningkatkan perkembangan anak-anak istimewa ini serta pelaksanaan program sukarelawan bagi memanfaatkan keistimewaan golongan ini bersama komuniti. Pembangunan pusat ini dijalankan dengan kerjasama MAIPs bersama rakan strategik khususnya Yayasan Tuanku Syed Putra (YTSP) Perlis, Universiti Malaysia Perlis (UniMAP), Jabatan Kebajikan Masyarakat (JKM) Negeri serta pelbagai agensi dan NGO lain serta para pewakaf (MAIPS, 2020).

Selain itu, sebuah Projek Aplikasi Android Quran Isyarat (Inovasi Perisian Quran Mesra OKU Pendengaran) juga telah dibangunkan oleh Universiti Sains Islam Malaysia (USIM) pada 4 Oktober 2017. Aplikasi Quran Isyarat ini dinaik taraf dari perisian sebelumnya iaitu, i-Sign QurANIS yang dibangunkan sebagai *mobile application* melalui platform Android (sedia ada) dan iOS (akan datang). Aplikasi ini mensasarkan keseluruhan Quran (30 Juzuk) bagi membantu komuniti OKU Pendengaran berinteraksi dengan Quran bermula dengan proses mengenal, menghafal, membaca dan menjelaskan isi kandungan ayat Quran yang dibantu oleh jurubahasa isyarat Malaysia. Selain itu, elemen-elemen unik dan inovatif seperti transliterasi makhraj, jurubahasa isyarat dan terjemahan mesra orang Pekak ditambahbaik dengan panduan isyarat tangan dalam huruf hijaiyyah bagi setiap ayat-ayat al-Quran yang terpampang dalam aplikasi ini (Ahmad Razuan et.al., 2019). Quran Isyarat ini merupakan sebuah projek wakaf di bawah selia UMMI dengan kerjasama Pusat Wakaf dan Zakat USIM (PWZ), Persatuan Orang Pekak Negeri Sembilan (NESDA) dan Yayasan FAQEH. Pembangunan projek ini bergantung kepada dana wakaf yang disalurkan oleh masyarakat awam melalui <https://jominfaq.usim.edu.my>. Keterlibatan masyarakat awam akan meningkatkan tahap kesedaran umat Islam terhadap isu penguasaan agama di kalangan orang Pekak yang masih lemah (Ahmad Razuan et.al., 2019).

Menerusi wakaf pendidikan OKU juga, sebuah alat mesin pencetak Braille telah berjaya disumbangkan hasil manfaat dana wakaf ilmu Universiti Putra Malaysia (UPM). Alat pencetak Braille ini dilengkapi dengan perisian khas Non-Visual Desktop Access (NVDA) yang mampu memudahkan para pelajar OKU. Alat ini akan ditempatkan di Perpustakaan Sultan Abdul Samad yang akan memberi manfaat kepada pelajar OKU dan individu OKU di luar UPM (WAZAN, 2019). Terdapat juga Skim Wakaf Kenderaan yang diwujudkan oleh UPM dan Universiti Malaya (UM) bagi memenuhi keperluan pengangkutan dalam Universiti seperti kenderaan khas bagi golongan OKU. Wakaf Van OKU di UM, sebagai contohnya dianggarkan dengan kos RM 150,000 dan kutipan terkumpul telah mencapai RM 119, 558.64 sehingga April 2021.

Dalam aspek kesihatan OKU pula, adanya Wakaf Mesra OKU yang merupakan kemudahan alat bantuan dan keperluan golongan OKU yang disediakan oleh Yayasan Waqaf Malaysia (YWM). Tumpuan diberikan kepada OKU yang kurang berkemampuan, dari golongan asnaf atau kumpulan B40 yang berdaftar sebagai OKU dengan Jabatan Kebajikan Masyarakat (JKM) dan mendapat pengesahan daripada pegawai perubatan atau pakar perubatan. Projek yang dijalankan adalah Bantuan Alat Sokongan atau Alat Tiruan bertujuan memberi bantuan kepada golongan OKU yang kurang berkemampuan untuk membeli alat sokongan atau alat tiruan seperti alat pendengaran, kaki palsu dan lain-lain yang bersesuaian dengan syarat mendapat pengesahan daripada pegawai perubatan. Kadar sumbangan yang diberikan kepada OKU adalah mengikut harga sebenar alat bantuan/tiruan (YWM, 2022).

Selain itu, Majlis Agama Islam Negeri Kelantan (MAIK) menerusi Projek Pusat Wakaf MAIK akan membangunkan Pusat Sehenti Transformasi OKU, Hemodialisis dan Pusat Pemulihan dan Fisioterapi. Lokasi tapak cadangan terletak di Lot 2453 Mukim Ulu Sat, Kampung Belukar, Machang. Antara matlamat projek berkenaan adalah untuk membantu setiap golongan asnaf dan fakir dalam memperbaiki kualiti ekonomi hidup serta kesihatan. Selain itu, ia diwujudkan bagi memberi nilai tambah dalam mempersiapkan golongan OKU untuk sumber tenaga manusia kepada negara dalam memperkasakan taraf ekonomi kumpulan istimewa tersebut termasuklah keluarganya (MAIK, 21 November 2021).

Dalam aspek Pembangunan Ekonomi OKU pula, Wakaf Be#\$kill dilancarkan oleh YWM. Wakaf ini merupakan bantuan latihan dan modal perniagaan kepada

golongan asnaf, kumpulan B40, ibu tunggal dan termasuk juga kepada OKU yang kurang berkemampuan dan berdaftar dengan JKM. Projek Penganjuran Latihan Asas Keusahawanan ini menyediakan latihan asas keusahawanan kepada kumpulan sasaran yang terpilih bagi memperlengkapkan diri mereka dengan ilmu pengetahuan, kemahiran dan ciri-ciri keusahawanan untuk menjadi usahawan yang berdaya maju dan berdaya saing. Kadar sumbangan adalah RM5,000.00 dalam bentuk geran bantuan perniagaan *one off* untuk setiap individu yang terpilih (YWM, 2022).

KESIMPULAN

Berdasarkan kajian lepas di atas, sumbangan wakaf tradisional kepada OKU lebih tertumpu kepada kemudahan dalam aspek kesihatan. Manakala di Malaysia, usaha kerajaan dalam menyediakan kemudahan dan keistimewaan kepada golongan OKU bagi memenuhi hak dan menggalakkan penyertaan mereka dalam masyarakat adalah tidak dinafikan. Penyediaan kemudahan kepada OKU untuk bergerak dari satu tempat ke tempat yang lain dalam memenuhi keperluan harian mereka, bukan sahaja memerlukan pemerhatian dan penelitian malah turut memerlukan dana yang besar. Usaha yang turut disokong bersama oleh masyarakat menerusi wakaf dapat memperluaskan dan mempelbagaikan lagi kemudahan yang diperlukan. Sumbangan wakaf di Malaysia misalnya dalam menyediakan beberapa kemudahan kepada OKU dalam aspek pendidikan, kesihatan dan pembangunan ekonomi juga merupakan satu usaha yang amat baik. Walau bagaimanapun pelbagai inisiatif baru dengan kerjasama pihak berwajib yang bertanggungjawab dalam hal ehwal OKU boleh diperluaskan lagi untuk kemaslahatan OKU dan kesejahteraan masyarakat.

RUJUKAN

- Ahmad Razuan et. al (2019). Pendidikan al-Quran bagi OKU: Pengalaman Pusat Penyelidikan Ibnu Ummi Maktum (UMMI). *AL-ABQARI: Journal of Islamic Social Sciences and Humanities*.
- Amin, A. S., & Manap, J. (2015). Geografi, kemiskinan dan wanita kurang upaya di Malaysia. *Malaysian Journal Society & Space*, 11, 7-82.

- Centre For Management Of Waqf, Zakat And Endowment (WAZAN) (2019). Satu Sumbangan Wakaf Lagi Kepada Warga OKU. https://wazan.upm.edu.my/news/satu_sumbangan_wakaf_lagi_kepada_warga_oku-49535
- Dragana Amedoski (2009). Women waqfs in the sixteenth-century Sanjak of Kruševac (Alaca Hisâr). Institute of History Belgrade. 43-56. DOI:10.2298/BALC0940043A Abattouy, Mohammed & Al-Hassani, Salim T S (t.t). The role of awqāf
- Fazlur Rahman (1989). *Health and Medicine in the Islamic Tradition* (New York: Crossroad, 1989) dalam Tamara Sonn. Health and medicine in the Islamic tradition: Fazlur-Rahman's view". *JIMA* 28 (1996) 189-194
- Ismail Abdel Mohsin, M. (2013) Financing through cash-waqf: a revitalization to finance different needs. *International Journal of Islamic and Middle Eastern Finance and Management*, Vol. 6 No. 4, pp. 304-321. <https://doi.org/10.1108/IMEFM-08-2013-0094>
- Jabatan Pembangunan Orang Kurang Upaya (JPOKU) (t.t) Senarai Kemudahan Dan Keistimewaan Bagi Orang Kurang Upaya. <https://www.jkm.gov.my/jkm/uploads/files/JPOKU/Kemudahan%20dan%20Keistimewaan%20OKU%20di%20Malaysia.pdf>
- Jominfaq USIM (2022). Dana Infaq Quran Isyarat. <https://jominfaq.usim.edu.my/projects/index.php>
- MAIPS (2020). MAIPs Bakal Tubuh Pusat Autisme. https://www.maips.gov.my/index.php?option=com_k2&view=item&id=1224:maips-bakal-tubuh-pusat-autisme&Itemid=748&lang=en
- Majlis Agama Islam Dan Adat Istiadat Melayu Kelantan (MAIK) (21 November 2021). Cadangan Pembinaan Pusat Wakaf Kesihatan Majlis Agama Islam Dan Adat Istiadat Melayu Kelantan (MAIK) di Machang. <https://www.e-maik.my/v2/index.php/en/koleksiberita/berita-2021/cadangan-pembinaan-pusat-wakaf-kesihatan-majlis-agama-islam-dan-adat-istiadat-melayu-kelantan-maik-di-machang>.
- Majlis Kebangsaan Bagi Orang Kurang Upaya (2019). Laporan Tahunan, Majlis Kebangsaan Bagi Orang Kurang Upaya, Jabatan Pembangunan Orang Kurang Upaya Jabatan Kebajikan Masyarakat, <https://www.jkm.gov.my/jkm/uploads/files/Bahagian%20Kawalan%20Standard/Portal%20LT%20MKBOKU%202019.pdf>

Orbay, K. (2017). Imperial Waqfs within the Ottoman Waqf System, *Endowment Studies*, 1(2), 135-153. doi: <https://doi.org/10.1163/24685968-00102002>

Sinar Harian (6 April 2021). Ras Adiba mohon penggunaan tafsiran betul perkataan OKU. <https://www.sinarharian.com.my/article/132207/berita/nasional/ras-adiba-mohon-penggunaan-tafsiran-betul-perkataan-oku>

Yayasan Waqaf Malaysia (YWM) (2022). Tajaan. <https://www.ywm.gov.my/tajaan>

APLIKASI PEMASARAN DIGITAL DALAM INDUTRI PELANCONGAN HALAL

Noradilah Abdul Hadi ⁱ, Mohd Rizal Muwazir ⁱⁱ & Nur Shuhada Kamarudin ⁱⁱⁱ

ⁱ (Penulis Koresponden). Pensyarah Kanan. Fakulti Ekonomi dan Muamalat, Universiti Sains Islam Malaysia. adilah@usim.edu.my

ⁱⁱ Jabatan Syariah dan Pengurusan, Akademi Pengajian Islam, Universiti Malaya. mrmkl@um.edu.my

ⁱⁱⁱ Pensyarah Kanan. Fakulti Ekonomi dan Muamalat, Universiti Sains Islam Malaysia. dnrshuhada@usim.edu.my

Abstrak

Sektor pelancongan halal semakin mendapat perhatian dunia kerana potensi pasaran yang besar serta pertumbuhan pasaran yang baik dan meyakinkan. Justeru, pemain industri yang terlibat perlu aktif dalam meneroka peluang yang tersedia terutamanya dalam penggunaan aplikasi digital yang optimum. Antara faktor utama perkembangan sektor ini ialah analisis populasi generasi milenium dan Generasi Z, serta teknologi yang akan meningkatkan akses kepada maklumat pelancongan. Oleh itu, kajian ini akan menggunakan pendekatan kuantitatif bagi mendapatkan maklumat berkenaan penggunaan pemasaran digital di kalangan penyedia pelancongan halal serta pelancong Muslim di Malaysia. Hasil dapatan kajian diharap dapat memberi gambaran tentang penggunaan pemasaran digital terkini supaya penambahbaikan dapat dibuat serta strategi yang tepat dapat dilaksanakan oleh pemain industri pelancongan halal terutamanya di Malaysia.

Kata kunci: Pemasaran Digital, Pelancongan Halal, Malaysia.

PENGENALAN

Industri pelancongan merupakan salah satu industri yang memberi sumbangan besar kepada pembangunan sosial, ekonomi dan budaya bagi setiap negara yang terlibat. Industri pelancongan juga memberi keuntungan serta impak yang besar kepada ekonomi sesebuah negara. Kini, sektor pelancongan halal turut menjadi pilihan pemain industri kerana sambutan yang menggalakkan diterima daripada pasaran pelancong Muslim. Pelancongan halal atau turut dipanggil sebagai pelancongan Islam merupakan pelancongan di mana aktiviti, produk, dan perkhidmatan yang terlibat adalah selaras dengan ajaran dan nilai Islam (Rahman et al., 2020; Suhartanto et. al., 2020). Pelancongan halal juga boleh difahami sebagai jenis pelancongan yang menawarkan

perkhidmatan pelancongan yang direka untuk memenuhi keperluan pelancong Muslim mengikut kewajipan dan amalan agama mereka. Oleh itu, pelancong Muslim dapat melancong dan melawat tempat-tempat lain di dunia sambil mengekalkan cara kehidupan dan tingkah laku harian mereka mengikut undang-undang Islam (El-Gohary, 2016; Sanchez dan Perano, 2018).

Kesan daripada penerimaan baik serta kepentingan yang tinggi terhadap pelancongan halal, negara-negara majoriti bukan Islam seperti Sepanyol, India, dan United Kingdom kini giat menyasarkan sektor pelancongan halal (El-Gohary, 2016). Pasaran pelancongan Muslim dijangka berkembang sehingga mampu untuk mencecah AS\$300 bilion menjelang tahun 2026, di mana Malaysia berada di kedudukan ketiga teratas dalam kalangan 10 destinasi pilihan Muslim (GMTI 2018). Ini membuka peluang bagi pengusaha hotel dan pengusaha pelancongan lain untuk meningkatkan daya saing mereka melalui konfigurasi perkhidmatan tertentu yang direka khusus untuk pelancong Muslim serta sepadan dengan standard kualiti mereka.

Menurut laporan *Global Muslim Travel Index* (2017), dua trend utama dikenal pasti sebagai pemacu pelancongan mesra Muslim, iaitu demografi generasi milenium dan Generasi Z, serta teknologi yang akan meningkatkan akses kepada maklumat pelancongan atau perjalanan (Abdul Alim, 2017). Laporan tersebut menunjukkan bahawa kumpulan pasca Milenium (*post-Millennials*) ini sangat berhubung di antara satu sama lain dan persekitaran di sekeliling mereka. Oleh kerana internet dan persekitaran sosial memainkan peranan penting dalam kehidupan seharian mereka, industri pelancongan Muslim perlu berkembang serta mengemaskini penawaran untuk memastikan jenama mereka diperkenalkan semula kepada segmen baharu ini dan memastikan perkhidmatan mesra Muslim (pelancongan) mereka adalah tulen, berpatutan dan boleh diakses oleh segmen golongan muda ini (Sanchez dan Perano, 2018).

Pelancong Muslim berbeza daripada kebanyakan pelancong lain di mana mereka mempunyai keperluan unik untuk produk dan perkhidmatan pelancongan yang tertentu. Secara spesifik, pelancong Muslim memerlukan kualiti produk dan perkhidmatan pelancongan yang memenuhi keperluan percutian mereka tetapi tidak bercanggah dengan agama Islam (Suhartanto et. al, 2020). Terdapat banyak negara Islam dan bukan Islam dijangka menguasai pasaran pelancong Muslim dengan

menyediakan barangan pelancongan, kemudahan dan infrastruktur untuk memenuhi keperluan mereka, kerana perkara berkaitan keperluan halal dapat memajukan industri pelancongan (Zakiah Samori et al., 2016). Antara contoh usaha yang dilakukan untuk memajukan sector pelancongan halal ialah kewujudan laman web seperti *halalbooking.com* dan *halaltrips.com* yang menawarkan perkhidmatan patuh syariah Islam, di mana ia memudahkan serta menggalakkan pencarian maklumat berkaitan percutian mesra Muslim bagi membolehkan pelancong Muslim mendapatkan perkhidmatan pelancongan yang selari dengan prinsip agama Islam (Mohsin et al., 2016; Oktadiana et al., 2016; Kamarudin, 2018).

PEMASARAN DIGITAL

Tidak dapat dinafikan terdapat perubahan besar dalam penggunaan teknologi pada masa kini. Penggunaan internet akan meningkatkan kecekapan keseluruhan organisasi untuk menyokong pelaksanaan kempen pemasaran (Smith, 2012). Tambahan lagi, perkembangan yang ketara dapat dilihat pada penggunaan teknologi digital terutamanya dalam konteks pemasaran serta pengalaman pengguna dalam membeli belah secara dalam talian. Sebagai contoh, golongan wanita dewasa antara yang kerap menggunakan platform digital untuk membeli belah (Ghazie dan Dolah, 2018). Di samping itu, platform digital dilihat boleh membantu dan meningkatkan daya saing perniagaan kecil dan mikro di Malaysia (Abdullah et al., 2020). Pemasaran digital juga merupakan cara yang berkesan untuk berkomunikasi dengan golongan milenium kerana penggunaan digital media yang meluas dikalangan mereka (Smith, 2012). Data menunjukkan bahawa terdapat sekitar 4 bilion penduduk dunia merupakan pengguna aktif Internet dalam pelbagai fungsi sementara kadar penggunaan Internet di kalangan milenium/Gen-Y adalah jauh lebih tinggi berbanding Gen-X dan *baby boomers* (Pitana dan Pitatri, 2016).

Era digital menyediakan peluang terbaik untuk menarik perhatian dan berinteraksi dengan golongan muda yang sentiasa menggunakan aplikasi media sosial. Syarikat komersial global telah memperuntukkan belanjawan pengiklanan yang besar untuk membolehkan mereka bereksperimen dengan cara yang inovatif dan kreatif untuk memberi inspirasi kepada golongan muda untuk belajar, berkongsi pengetahuan dan mencuba produk mereka (Dunlop et. al, 2016). Media sosial adalah pilihan untuk

industri hospitaliti kerana ia menyediakan peluang untuk mengurus dan mempersembahkan kandungan perniagaan dan ia membantu dalam mengenal pasti nilai teras yang menarik pelanggan dan pelanggan kepada perniagaan (Pitana and Pitatri, 2016). Contohnya, Manap et al., (2020) mendapati bahawa pengguna memanfaatkan aplikasi *Facebook* untuk meninjau maklumat terkini berkenaan pakej pelancongan yang dikongsi oleh pengguna lain, serta menjadi penyumbang idea dan motivasi pelancongan antara mereka.

Oleh itu, internet berfungsi sebagai platform penting untuk pertukaran maklumat antara pelanggan dan pemain industri seperti hotel, perkhidmatan pengangkutan, ejen pelancongan serta kerajaan (Akyol dan Kilinc, 2014). Pelancong kini tidak perlu bergantung kepada agensi pelancongan semata-mata untuk mendapatkan maklumat berkaitan untuk destinasi atau jadual perjalanan pelancongan mereka. Majoriti pelancong mendapat maklumat melalui laman web pelancongan, media sosial, blog, agensi pelancongan dan pengiklanan (Comcec Coordination Office, 2016). Dasar pemasaran khususnya dalam promosi digital telah dikenal pasti sebagai bidang utama jurang dan peluang pemasaran pelancongan halal (Comcec Coordination Office, 2016). Comcec juga menggalakkan negara anggota OIC untuk menambah baik promosi pelancongan mereka yang menandakan kepentingan promosi digital untuk meningkatkan jangkauan global perkhidmatan pelancongan halal. Menurut Suradin (2018), antara faktor yang menjadi penghalang kepada pembangunan pelancongan di negara anggota OIC ialah ketiadaan publisiti atau publisiti yang lemah dari segi promosi serta pendedahan media massa. Walaubagaimanapun, promosi digital harus merangkumi pengiklanan bermaklumat dan persuasif tanpa menjejaskan nilai-nilai Islam dalam promosi tersebut.

METODOLOGI

Kajian ini akan menggunakan pendekatan kuantitatif melalui instrumen soal selidik secara dalam talian bagi mendapatkan maklumat berkenaan pemasaran digital daripada penyedia pelancongan halal serta pelancong Muslim.

PENUTUP

Laporan Global Muslim Travel Index (2018) menunjukkan bahawa pemacu utama yang mendorong pengembangan serta perluasan pasaran pelancongan halal merangkumi enam faktor. Pertama, penduduk Islam di seluruh dunia mewakili satu perempat daripada penduduk dunia, yang kebanyakannya terletak di zon geografi Asia Pasifik. Kedua, perubahan demografi penduduk Islam termasuk pangkalan pengguna kelas pertengahan yang lebih besar dengan pendapatan dan pendidikan yang lebih tinggi daripada generasi sebelumnya serta kewujudan ramai pekerja wanita di zon bandar. Di samping itu, pengguna Islam adalah salah satu segmen pasaran yang paling pesat berkembang dan memberi kesan ekonomi yang penting. Ketiga, media sosial telah menjadikan pemilihan destinasi mesra halal menjadi lebih mudah, dengan ekonomi digital telah menjadi salah satu daripada 10 trend halal utama. Keempat, industri pelancongan dan hospitaliti mengakui bahawa pasaran Islam kini cukup besar sehingga mereka perlu menyesuaikan perkhidmatan dan produk untuk memenuhi segmen pasaran ini. Kelima, bulan Ramadan yang dikhususkan untuk amalan agama dan budaya menyebabkan kewujudan trend yang ketara di kalangan pelancong untuk mencari pengalaman bulan Ramadan yang unik. Faktor terakhir merupakan tenaga kerja di kalangan pengembara perniagaan Muslim (lelaki dan wanita) untuk melakukan perjalanan bagi tujuan mesyuarat, insentif kerjaya, persidangan, serta acara, yang menyumbang kepada segmen pelancongan perniagaan. Justeru, peranan ekonomi digital atau pemasaran digital terutamanya melalui media sosial sebagai salah satu faktor di atas, dilihat turut memberi kesan positif serta penting kepada sektor pelancongan halal kerana ianya dapat menarik minat golongan sasaran pada masa kini untuk memilih perkhidmatan pelancongan halal.

PENGHARGAAN

Setinggi-tinggi penghargaan kepada Kementerian Pengajian Tinggi Malaysia (MoHE) di bawah geran FRGS, Ref: FRGS/1/2019/SS01/USIM/02/8 dengan kod: USIM/FRGS/FEM/055002/52019 (Conceptualizing a Theoretical Framework of Digital Promotion for Halal Tourism Providers in Malaysia) kerana memberi peluang dalam menjayakan projek penyelidikan ini.

RUJUKAN

- Abdullah, N. L., Isa, R., Hanafiah, M. H., & Ramdan, M. R. (2020). Meneroka Faktor-faktor yang Mempengaruhi Penggunaan Platform Digital oleh Perusahaan Mikro dan Kecil. *Journal Pengurusan*, 59, 1–17. <https://doi.org/10.17576/pengurusan-2020-59-05>
- Abdul Alim, E. (2017). Muslim-friendly travel: Malaysia lead over UAE narrows, Bahrain, Indonesia gain ground on leaders–study. Retrieved from https://www.salaamgateway.com/en/story/muslimfriendly_travel_malaysia_lead_over_uae_narrows_bahrain_indonesia_gain_ground_on_leaders__study-salaam03052017145738/
- Akyol, M. and Kilinc, O. (2014) Internet and Halal Tourism Marketing. *International Periodical for the Languages, Literature and History of Turkish*, Vol. 9/8, pp. 171-186.
- Comcec Coordination Office (2016) Muslim Friendly Tourism: Developing and Marketing MFT Products and Services In the OIC Member Countries Report.
- Dunlop S, Freeman B, Jones SC. (2016). Marketing to youth in the digital age: the promotion of unhealthy products and health promoting behaviours on social media. *Media Commun.*4(3), pp. 35–49.
- El-Gohary, H. (2016). Halal tourism, is it really Halal? *Tourism Management Perspectives*, 19(Part B), 124–130.
- Ghazie, D., & Dolah, J. (2018). How digital marketing affects consumer behavior. *Advances in Social Science, Education and Humanities Research*, 207, 214–2017.
- Global Muslim Travel Index (GMTI) 2018. Available at <https://www.halalmedia.jp/wp-content/uploads/2018/04/GMITI-Report-2018.pdf>
- Kamarudin, L. M. (2018). Konsep Pelancongan Muslim daripada Perspektif Operator Pelancongan di Malaysia. PhD thesis Universiti Teknologi Malaysia.
- Manap, K. A., Shamsul Ibrahim, M., Zakiah Megat Ibrahim, N., & Kuala Lumpur, M. (2020). Instrument validation to determine the relationship between social media acceptance and cuti-cuti 1 Malaysia facebook user engagement. *Ir.Uitm.Edu.My*, 5(1), 480–494. <https://ir.uitm.edu.my/id/eprint/48092/>
- Mohsin, A., Ramli, N. dan Alkhulayfi, B. A. (2016). Halal Tourism: Emerging Opportunities. *Tourism Management Perspectives*. 19, 137-143.

- Oktadiana, H., Pearce, P. L. dan Chon, K. (2016). Muslim Travellers' Needs: What Don't We Know? *Tourism Management Perspectives*, 20, 124-130.
- Pitana, I. G. and Pitanatri, P. D. S. (2016). Digital Marketing in Tourism: The More Global, The More Personal. *International Tourism Conference Promoting Cultural & Heritage Tourism*. Udayana University, 1–3 September.
- Rahman, M. M., Moghavvemi, S., Thirumoorthi, T., & Rahman, M. (2020). The impact of tourists' perceptions on halal tourism destination: A structural model analysis. *Tourism Review*, <https://doi.org/10.1108/TR-05-2019-0182>
- Sanchez, A. V. and Perano, M. (2018). Halal Tourism through the Lens of Generation Z in a Muslim Majority Country: Implications on Tourist Services. *International Journal of Business and Management*, Vol. 13, No. 9, pp. 36-49.
- Suhartanto, D., Dean, D., Wibisono, N., Astor, Y., Muflih, M., Kartikasari, A., Sutrisno, R. & Hardiyanto, N. (2020). Tourist experience in Halal tourism: what leads to loyalty? *Current Issues in Tourism*, DOI: 10.1080/13683500.2020.1813092
- Suradin, M. (2018). Halal Tourism Promotion in Indonesia: An Analysis on Official Destination Websites. *Journal of Indonesian Tourism and Development Studies*, Vol.6, No.3, pp. 143-158.
- Zakiah Samori, N. Z. (2016). Current Trends on Halal Tourism: Cases on Selected Asian Countries. *Tourism Management Perspective*, 131-136.

PENGAPLIKASIAN DDR DALAM PENYELIDIKAN SAINS SOSIAL DI MALAYSIA

Nur Izzati Nadia Mohd Dzolkifli ⁱ, & Siti Nor Azhani Mohd Tohar ⁱⁱ

ⁱ Pelajar Siswazah. Program Sains Sosial, Universiti Sains Islam Malaysia. izzatinadia@yahoo.com

ⁱⁱ (Penulis Koresponden). Pensyarah. Pusat Pengajian Teras, Universiti Sains Islam Malaysia.
azhanitohar@usim.edu.my

Abstrak

Penyelidikan Reka Bentuk dan Pembangunan (DDR) ialah satu kaedah penyelidikan yang melibatkan kajian pembangunan produk atau alat melalui kaedah yang sistematik dan berstrategi kerana mengambil kira permasalahan yang berlaku, mereka bentuk dan membangunkan model, akhirnya menjalankan penilaian ke atas model yang dibentuk. Justeru, satu tinjauan awal dilaksanakan untuk melihat sejauh mana pengaplikasian kaedah DDR dalam penyelidikan-penyelidikan sains sosial di Malaysia. Kajian ini dijalankan secara kualitatif dengan kaedah analisis kandungan artikel-artikel jurnal kajian lepas lima tahun terkini yang melibatkan kaedah DDR dalam penyelidikan mereka. Hasil kajian mendapati bahawa kaedah DDR ini telah mula mendapat tempat dalam bidang penyelidikan sains sosial di Malaysia dan semakin popular terutamanya dalam penyelidikan yang berfokus kepada pendidikan. Selain itu, DDR juga turut diaplikasikan dalam beberapa penyelidikan kaunseling, ekonomi, komunikasi dan sosiologi. Justeru, diakui bahawa kaedah penyelidikan DDR semakin popular dalam bidang sains sosial dan berupaya menghasilkan sebuah model yang lebih empirikal dan praktikal untuk diaplikasikan kepada kumpulan sasarannya.

Kata kunci: Reka bentuk dan pembangunan, model, modul, sains sosial

PENGENALAN

Menyoroti sejarah penyelidikan sains sosial tentunya tidak terlepas daripada merujuk kepada perkembangan bidang ilmu tersebut yang mana kesan daripada Revolusi Sains di Barat pada kurun ke-16. Umumnya, ia adalah bertitik tolak daripada perubahan yang dibawa oleh beberapa orang sarjana Barat yang terkenal pada ketika itu termasuklah Nicolaus Copernicus (1473-1543) sehinggalah kepada Isaac Newton (1642-1727) yang terkenal dengan bukunya iaitu *The Mathematical Principles of Natural*

Philosophy pada tahun 1687. Antara elemen perubahan utama yang dibawakan oleh sarjana Barat selepas kurun ke-16 adalah dengan mengetengahkan kaedah saintifik dan empirikal dalam mengiktiraf sesuatu ilmu yang mana tidak dititikberatkan pada era Falsafah Yunani. Sehubungan itu, pelbagai teori-teori yang berkaitan dengan cakerawala telah berjaya di runkai hasil daripada perkembangan dalam bidang sains tabii.

Bidang sosial antara bidang yang tidak ketinggalan untuk menempatkan posisi mereka sebagai satu cabang ilmu yang turut mempraktikkan dan mementingkan kaedah saintifik dalam setiap kajian yang mana akhirnya munculnya bidang Sains Sosial. Sains sosial merupakan salah satu cabang ilmu yang utama yang menjadi neraca keseimbangan bagi bidang-bidang ilmu yang lain. Ia juga bertindak menjadi bidang yang perlu dikuasai oleh para pengkaji yang menjalankan kajian terhadap kehidupan sosial masyarakat. Menyedari tentang kepentingannya terhadap memahami dinamika masyarakat, bidang Sains Sosial telah dijadikan subjek teras oleh kebanyakan universiti awam di Malaysia sebelum para pelajar dibenarkan untuk memilih pengkhususan yang diminati. Dalam bidang penyelidikan pula ianya banyak memberi manfaat kepada para pengkaji dalam memberi perspektif yang menyeluruh terhadap suatu korpus ilmu seterusnya menyediakan jalan alternatif dalam menyelesaikan isu-isu yang berbangkit.

METODOLOGI KAJIAN

Makalah ini menggunakan penyelidikan kualitatif dengan kaedah analisis kandungan (content analysis). Pengkaji menganalisis artikel jurnal berstatus lima tahun terkini yang melibatkan pengaplikasian DDR dalam penyelidikan mereka bagi menjawab objektif kajian ini.

PENYELIDIKAN REKA BENTUK DAN PEMBANGUNAN (DDR)

DDR atau lebih dikenali dengan penyelidikan reka bentuk dan pembangunan dalam dunia penyelidikan adalah hasil daripada penyelidikan yang dilakukan oleh dua orang tokoh Barat iaitu Richey dan Klein (2007). Walaupun begitu, pendekatan DDR ini tidaklah bercanggah dengan kaedah penyelidikan yang sedia ada bahkan ianya lebih

bersifat penambahbaikan terhadap pendekatan sedia ada bagi memenuhi keperluan para pengkaji seiring dengan perkembangan ilmu pengetahuan dalam penyelidikan (Richey dan Klein (2007). Bagi mewujudkan kajian yang lebih berimpak, kaedah penyelidikan DDR yang mana dikenali juga sebagai pendekatan penyelidikan pembangunan (Richey, Klein & Nelson, 2004; Seels & Richey, 1994; Van Den Akker, 1999), dilihat sesuai dipraktikkan dalam bidang penyelidikan khususnya sains sosial kerana ia bersifat sistematik dengan data yang diperolehi adalah hasil daripada proses amalan dan praktis.

Kaedah pendekatan DDR memfokuskan kepada penyelidikan yang bertemakan pembinaan reka bentuk, pembangunan dan penilaian yang sistematik dalam pengeluaran sesuatu produk dan peralatan. Ia juga disifatkan sebagai satu kaedah yang memberi informasi dan maklumat yang lengkap berkenaan sesuatu reka bentuk sama ada yang baharu atau yang ditambah baik. Mengambil kira sesuatu kajian itu haruslah bersifat 'dapat direplikasi', pendekatan DDR dilihat berupaya membantu pengkaji lain dalam menjalankan kajian mereka berdasarkan kepada proses pensampelan, dokumentasi dan analisis yang telus pada setiap fasa (Amiel, & Reeves, 2008; Wang & Hannafin, 2005). Tambahan pula, kaedah ini perlu melalui satu fasa yang memerlukan kepada kesepakatan pakar yang terlibat bagi membentuk komponen dan elemen sesuatu model atau produk.

Menurut Richey & Klein (2007), antara faktor utama yang menjadi kelebihan bagi kaedah DDR ini adalah kerana ia berfokus dalam menangani perdebatan sesuatu reka bentuk sama ada ianya dapat dibuktikan secara saintifik dan tidak bersandar kepada andaian dan pandangan pihak tertentu sahaja. Selain itu juga, ia dapat memenuhi kelompangan dalam bidang penyelidikan yang memfokuskan kepada penyelidikan berkaitan model dan proses sama ada melibatkan pereka bentuk atau pemaju. Tambahan pula, kurangnya proses penilaian terhadap model dan produk yang sedia ada dalam pelbagai bidang yang sepatutnya diuji melalui satu kajian saintifik menjadikan kaedah ini amat relevan untuk diguna pakai.

Walaupun kaedah penyelidikan ini dilihat agak ketat (rigid) kerana mewajibkan para pengkaji untuk mematuhi setiap prosedur yang telah digariskan, ianya dapat membantu perkembangan teori dan penyediaan bukti yang bersifat empirikal terhadap penilaian (Richey & Klein, 2007). Di samping menyokong kepada penyelidikan yang

bersifat 'kaedah campuran' melalui dapatan yang pelbagai dan tepat, DDR walau bagaimanapun masih bertunjangan prinsip asas penyelidikan yang mana harus dipatuhi oleh setiap pengkaji sama ada pendekatan yang digunakan adalah bersifat kuantitatif ataupun kualitatif. Ini kerana, DDR amat merujuk kepada sesuatu objektif dan persoalan kajian yang mana telah ditetapkan oleh pengkaji tanpa mengendahkan reka bentuk kajian (Mohd Ridhuan & Nurulrabihah, 2021).

Umumnya, DDR melibatkan empat fasa penyelidikan (Richey & Klein, 2007) iaitu 1) Fasa analisis keperluan; 2) Fasa reka bentuk; 3) Fasa pembangunan; dan 4) Fasa penilaian. Empat fasa tersebut kemudiannya menjadi tiga fasa utama kerana fasa 2 dan 3 telah digabungkan oleh kebanyakan pengkaji termasuklah kajian yang dijalankan oleh Hidayatul Fariha et. al (2019), Mohd Khairul Nuzul (2019) dan Mohd Ridhuan (2016). Fasa 1 dilakukan bagi mengenalpasti isu yang menjadi masalah utama kepada kajian yang dijalankan. Pada fasa 2 (Reka Bentuk & Pembangunan), model atau produk akan dibina dan dikembangkan oleh para pakar yang terlibat. Akhir sekali, fasa 3 akan menilai semula kebolegunaan model atau produk yang telah dibangunkan dengan mendapatkan pandangan dan persetujuan pengamal dalam bidang tertentu.

DDR DALAM PENYELIDIKAN SAINS SOSIAL DI MALAYSIA

Menelusuri perkembangan penyelidikan DDR, ia telah mula berkembang dalam bidang sains sosial seawal abad ke 21. Selari dengan fungsinya sebagai merekabentuk dan pembangunan produk atau alat melalui persetujuan pakar, maka sudah pastinya, bidang sains sosial yang merangkumi aspek kemanusiaan amat sesuai dengan fungsi ini. Ini terbukti dalam penyelidikan terkini, DDR telah banyak digunakan dalam penyelidikan psikologi. Antara yang terkini telah mengaplikasikan DDR bagi membina modul peraturan emosi Islam terhadap kesejahteraan mental (Mohd Izwan et al., 2022), model pemulihan holistik dalam kalangan komuniti LGBT di Malaysia (Noor Hafizah, Ahmad Munawar, Khairul Hamimah & Siti Solehah, 2021) dan menganalisis persetujuan pakar terhadap unsur-unsur yang terdapat dalam faktor hisbah diri (Ros Arniza, Mohd Isa, & Khadijah, 2022).

Apatah lagi dalam bidang pendidikan yang banyak memungkinkan penyelidikan-penyelidikan bagi pembentukan modul dalam pembelajaran dan

pengajaran. Trend semasa menunjukkan pendidikan berasaskan agama antara yang banyak melibatkan kaedah penyelidikan DDR. Model pengintegrasian ayat hafazan al-Quran dengan ilmu aqli telah dibangunkan (Ahmad Bazli, Muhammad Hafiz & Adibah, 2022), kemudian, penguasaan kemahiran membaca teks bahasa Arab dan amalan inkuiri (Zulkifli, Harun, Nik Mohd Rahimi & Nabihah, 2022), pembentukkan model baharu kurikulum nahu arab-Quran berasaskan nilai murni sejagat (Mohd Nizwan, 2021), model pengajaran al-Quran untuk warga tua (Shah Rizul Izyan et al., 2022), Model Pengajaran Taranum al-Quran (MPTQ) (Muhammad Nasir, Zaharah & Mohd Faisal, 2020), model integriti akademik berasaskan penghayatan rohani (Ramlan, 2017).

hanya terhad kepada kajian yang berlatarbelakangkan pendidikan Islam, kaedah DDR juga banyak diaplikasikan dalam pendidikan matematik, sains dan teknologi, iaitu dalam membangunkan modul latihan pendidikan kewangan untuk guru Matematik sekolah menengah (Norazura et al., 2022), menilai kesedaran kitar semula melalui pelajaran matematik dalam topik Pengendalian Data (Rajoo et al., 2021), model pembinaan aplikasi pembelajaran berteraskan Augmented Reality (AR) yang dinamakan AR-Learn Model (Fitri Nurul'ain et al., 2022), modul STEM (SESTEM) tenaga solar terbenam teknologi (Nurul Jannah et al., 2022) dan model kurikulum latihan SkiVes bagi program pengajian kejuruteraan pembelajaran berasaskan kerja (Mohd Ridhuan, 2016).

Selain itu kaedah DDR juga turut diaplikasikan dalam pendidikan bahasa yang mengetengahkan Modul Seni Bahasa berasaskan pendekatan Didik Hibur (Muhamad Fadhil, Mahzan, Norul Haida & Abdul Rasid, 2021) dan analisis keperluan terhadap bahan bacaan digital modul mobafik Bahasa Melayu untuk prasekolah aliran Cina (Fong , Zaharah & Adenan, 2021). Malahan, kaedah DDR turut diaplikasikan dalam bidang-bidang pendidikan lain, antaranya pembentukan model penerimaan GeSVa dalam m-Pembelajaran Institut Pendidikan Guru (Muhammad Fariduddin Wajdi, Azidah & Aziah, 2019) dan mencungkil minat pelajar terhadap mata pelajaran Geografi pelajar sekolah menengah (Mayalagu, Mokhtar, Choy & Mohd Izwan, 2019).

Walaupun DDR tidak begitu meluas diaplikasikan dalam bidang ekonomi, namun ia tidak bermaksud pendekatan tersebut tidak relevan untuk digunakan. Ini kerana DDR digunakan dalam modul latihan pendidikan kewangan (Norazura et al.,

2022), menganalisis kesesuaian elemen modal dalam merangsang perkembangan mualafpreneur (Siti Nor Atiqah et al., 2021), menjana garis panduan reka bentuk untuk aplikasi mudah alih untuk industri kreatif yang merangkumi elemen reka bentuk budaya (Muhammad Zulhimi, Shamsul Arrieya & Nur Saadah, 2021), modul seni fiber sebagai paradigma baru untuk meningkatkan pengeluaran kraf Malaysia (Siti Zuraida, Ezzah & Nabilah, 2020) dan menentukan kebergunaan Modul Bergambar Responsif Budaya Kraf Batik Tie-Dye Alam untuk pengajaran dan pembelajaran topik 'Batik Pelangi' dalam Pendidikan Seni Visual (VAE) (Siti Zuraida & Ahmed Waliyuddin, 2019).

DDR juga turut digunakan sebagai metod dalam penyelidikan bidang yang lain termasuklah sosiologi, iaitu sebagai petunjuk untuk Instrumen Indeks Keharmonian Sosio-Agama (SRHI) untuk Malaysia (Atifah et al., 2018), dan dalam bidang antropologi, pembangunan buku resepi nutrisi lengkap sarapan pagi kanak-kanak berdasarkan kurikulum permata bagi kanak-kanak yang berumur 2 tahun (Nurul Aina, Romarzila & Siti Zuraini, 2022). Manakala dalam bidang Komunikasi pula seperti pembangunan model komunikasi lisan dan bukan lisan antara humanoids pendamping pembelajaran dan warga tua (Nor Ayu, 2018).

KESIMPULAN

Hasil tinjauan kajian-kajian lepas ini menunjukkan bahawa metodologi DDR bukanlah sesuatu yang asing dalam bidang sains sosial, sebaliknya keperluan mengaplikasikan metodologi semakin popular dan penting dalam membina sesuatu model atau modul yang lebih sistematik, saintifik, empirikal dan lebih praktikal kerana mengambil kira kesepakatan daripada golongan pakar dan disahihkan dengan golongan yang terlibat secara langsung dengan sesebuah model atau model tersebut.

Justeru, pengaplikasian metodologi DDR ini perlu diperluaskan lagi agar lebih dikenali oleh penyelidik-penyelidik Malaysia bagi menggantikan kaedah konvensional dalam pembentukan sesuatu model atau modul.

PENGHARGAAN

Penghargaan ke atas Kementerian Pengajian Tinggi dengan tajaan pembiayaan geran Skim Geran Penyelidikan Fundamental (FRGS) bertajuk 'Pembentukan Model Semangat Kekitaan Kebangsaan (SeKITA) dalam Menangani Etnosentrisme di Institusi Pendidikan Vernakular dan Agama' bernombor kod FRGS/1/2022/SS10/USIM/03/2 (USIM/FRGS/PPT/KPT/51222).

RUJUKAN

- Ahmad Bazli Ahmad Hilmi, Muhammad Hafiz Saleh & Adibah Sulaiman. (2022). Kertas konsep pengintegrasian ayat hafazan al-Quran dengan ilmu aqli: Ke arah pembangunan model di Kolej GENIUS Insan. *Sains Insani*, 7(1), 44-50.
- Amiel, T., & Reeves, T. C. (2008). Design-based research and educational technology: Rethinking technology and the research agenda. *Journal of educational technology & society*, 11(4), 29-40.
- Atifah Ahmad Yusoff, Muhammad Ridhuan Tony Lim Abdullah, Mohd Nuri Al-Amin Endut, Enizahura Abdul Aziz, & Ahmad Tarmizi Talib. (2018). Indicators for Socio-Religious Harmony Index (SRHI) Instrument for Malaysia: Findings of FDM Expert Panel. *Pertanika Journal of Social Sciences & Humanities*, 26 (S), 55 - 72.
- Fitri Nurul'ain Nordin, Abdul Azim Muhammad Isa, Muhamad Zaidi Zakaria, Hazrati Yahya, and Muhamad Zhafri Mohammad Nazmi (2022). AR-Learn Model: Model pembinaan aplikasi pembelajaran berteraskan Augmented Reality (AR). *The Sultan Alauddin Sulaiman Shah Journal (JSASS)*, 9(1), 31-43.
- Fong, T. Y., Zaharah Osman, Adenan Ayob, Pusat Perkembangan Kanak-kanak Kebangsaan, Universiti Pendidikan Sultan Idris, & Universiti Pendidikan Sultan Idris, (2021). Analisis keperluan terhadap bahan bacaan digital modul mobafik bahasa melayu untuk prasekolah aliran cina. Dalam Hazhari Ismail, Azizah Zain, Romarzila Omar, Nadia Shahira Amiruddin, Nur Ain Farhana Kariuddin, Wong Kung Teck, Norsayyidatina Che Rozubi, Hasrul Hosshan (Eds.), *e-PROSIDING World conference and innovation in early childhood education*. (pp. 84-93).
- Gandi, R. T., Mohd Ridzwan Che Rus & Suriani Mohamed. (2021). Pendekatan penyelidikan reka bentuk dan pembangunan (DDR) dalam pembangunan model

- pemikiran inventif pelajar mata pelajaran Reka Cipta. *Journal of Educational Research and Indigenous Studies*, 3(1), 2021.
- Hidayatul Fariha Sulaiman, Rosnah Ismail, Hanizah Mohd Yusoff, Norziela Anuar, Mohd Ridhuan Mohd Jamil & Faiz Daud. (2019). Validation of Occupational Zoonotic Disease Questionnaire Using Fuzzy Delphi Method. *Journal of Agromedicine*, 7. DOI: 10.1080/1059924x.2019.1666763
- Mayalagu, G., Mokhtar Jaafar, Choy, L. K., & Mohd Izwan Mahmud. (2019). Keberkesanan Geographic Information System (GIS) dalam mencungkil minat pelajar terhadap mata pelajaran Geografi di sekolah menengah. *Geografia*, 15(4).
- Mohd Izwan Mahmud, Rezki Perdani Sawai, Joki Perdani Sawai, & Shamshuritawati Sharif, S. (2022). Content Validity of the Islamic Emotional Regulation Module. *International Journal of Academic Research in Business and Social Sciences*, 12(1), 1968–1978
- Mohd Khairul Nuzul Hassan. (2019). Reka Bentuk dan Model Pengajaran E-TVET bagi Program Mekanikal dan Pembuatan di Kolej Vokasional Zon Utara., Tesis PhD, Universiti Perguruan Sultan Idris.
- Muhammad Fariduddin Wajdi Anthony, Azidah Abu Ziden, & Aziah Ismail. (2019). Teknik Fuzzy Delphi: Reka bentuk dan pembangunan model penerimaan GeSVa dalam m-pembelajaran Institut Pendidikan Guru. *Journal of Educational Research and Indigeneous Studies*, 2(1).
- Muhammad Zulhimi Samsuri, Shamsul Arrieya Ariffin, & Nur Saadah Fathil. (2021). Incorporating cultural design elements in mobile applications creative industries in Malaysia: A conceptual study. *Journal of ICT in Education*, 8(2), 110-117.
- Muhamad Fadhil Md Zain, Mahzan Arshad, Norul Haida Reduzan & Abdul Rasid Jamian. (2021). Development and construction of language arts module based on entertained education Approach Using Method Fuzzy Delphi (Fdm). *Int. J. of Aquatic Science*, 12(2), 2987-3007.
- Mohd Nizwan Musling. (2021). Model baharu kurikulum nahu Arab-Quran bagi penerapan nilai murni sejagat: Konsep cadangan. Dalam Nurul Fadly Habidin, Ummu Aiman Muhamad & Tuan Waheda Tuan Chik (Eds.), *Pembangunan penyelidikan dalam pendidikan dan sains sosial: Idea dan analisis* (pp. 96-101). Kaizentrenovation Sdn Bhd.

- Mohd Ridhuan Mohd Jamil & Nurulrabihah Mat Noh. (2020). *Kepelbagaian Metodologi Dalam Penyelidikan Reka Bentuk dan Pembangunan*. Shah Alam, Selangor: Qaisar Prestige.
- Mohd Ridhuan Mohd Jamil. (2016). *Model kurikulum latihan SkiVes bagi Program Pengajian kejuruteraan pembelajaran berasaskan kerja (WBL) Politeknik Malaysia*. (Doctoral dissertation), University Malaya. Kuala Lumpur.
- Nurul Aina Abdullah, Romarzila Omar, & Siti Zuraini Zakaria (2022). Development of complete breakfast nutrition for children based on PERMATA curriculum for children 2 years old. *Jurnal Pendidikan Awal Kanak-kanak Kebangsaan*, 11, 64-72.
- Nurul Jannah Hosman, Faridah Lisa Supian, Wei, T. S., Syed Abdul Malik Syed Mohamad, Mohd Syahruman Mohd Azmi, & Lilia Ellany Mohtar. (2022). Development of technology-embedded solar energy STEM (SESTEM) module among Universiti Pendidikan Sultan Idris (UPSI) diploma science students. *Journal of Physics: Conference Series* (Vol. 2309, No. 1, p. 012076). IOP Publishing.
- Noor Hafizah Mohd HaridiI, Ahmad Munawar Ismail, Khairul Hamimah Mohammad Jodi & Siti Solehah Mat Aleh. (2021). Analisis keperluan untuk membangunkan model pemulihan holistik terhadap komuniti lesbian, gay, biseksual dan transgender (LGBT) di Malaysia. *Proceeding of 8th International Research Management and Innovation Conference(8th IRMIC 2021)*, 168-181.
- Nor Ayu Meor Ahmad. (2018). *Development of a verbal and non-verbal communication model between learning companion humanoids and the elderly* (Doctoral dissertation, University of Malaya).
- Norazura Said, N., Meng, C. C., Muzirah Musa & Muhammad Nidzam Yaakob. (2022). Development of Financial Education Training Module for Secondary School Mathematics Teachers: Design and Development Research. *International Journal of Academic Research in Progressive Education and Development*, 11(1), 827–836.
- Rajoo, M., Mageswaran, R., Muhammad Safuan Sahak, & Uthra, S. (2021). Engaging the Practice of Recycling through Data Handling Topic: Batang Padang District. *Learning Science and Mathematics Journal*, (pp. 91-105).
- Ramlan Mustapha. (2017). *Reka bentuk model integriti akademik berasaskan penghayatan rohani*. (Tesis PhD.). Kuala Lumpur: Universiti Malaya.

- Richey, R.C., Klein, J.D. & Nelson, W. A. (2004). Developmental research: Studies of instructional design and development. Retrieved from <http://www.aect.org/edtech/41.pdf> on March 31, 2009
- Richey R., & Klein, J. (2007). Design and development research: Methods, strategies and issues. Mahwah: Lawrence Erlbaum Associates, Publishers
- Ros Arniza Zakaria., Mohd Isa Hamzah & Khadijah Abdul Razak (2022). Analysis of self-hisbah factors on moral appreciation among Muslim secondary school students in Malaysia: Fuzzy delphi method application. *e-BANGI*, 19(2), 16-34.
- Salleh, M. N. M., Hussin, Z., & Mohamed, M. F. (2020). Analisis keperluan pembangunan model pengajaran taranum al-Quran: Satu kajian penerokaan. *JuKu: Jurnal Kurikulum & Pengajaran Asia Pasifik*, 8(3), 27-38.
- Seels, B., & Richey, R. C. (1994). Instructional technology: the definition and domains of the field. Washington, DC: Association for Educational Communications and Technology.
- Siti Nor Atiqah Amran, Syarul Azman Shaharuddin, Mariam Abd Majid, & Muhammad Yusuf. (2021). Suntikan elemen modal merangsang mualafpreneur terhadap induksi keusahawanan. *Persidangan Antarabangsa Sains Sosial dan Kemanusiaan*. (pp. 1023-1032).
- Siti Zuraida Maaruf, & Ahmed Waliyuddin Basri. (2019). Learning by nature: the implementation and evaluation of culturally responsive pictorial module of nature tie-dye batik craft. *Social and Management Research Journal (SMRJ)*, 16(2), 119-136.
- Siti Zuraida Maaruf, Ezzah Md Zain, & Nabilah Abdullah. (2020). Sustaining local heritage: Fibre art as a new paradigm to uplift Malaysian craft production. *Malaysian Journal of Sustainable Environment*, 7(2), 119-132.
- Syah Rizul Izyan Zulkipli, Noornajihan Jaafar, Nurul Asiah Fasehah Mohammad & Mohd Shamsul Hakem B Abd Samad. (2022). Pendekatan pengajaran al-Quran buat warga emas menurut hadith Rasulullah ﷺ. *Ma'ālim al-Qur'ān wa al-Sunnah*, 18(1), 1-18.
- Van Den Akker, J. (1999). Principles and methods of development research. In J. van den Akker, R. M. Branch, K. Gustafson, N. Nieveen & T. Plomp's (Eds.), *Design approaches and tools in education and training* (pp. 1-14). Dordrecht: Kluwer Academic Publisher.

Wang, F., & Hannafin, M. J. (2005). Design-based research and technology-enhanced learning environments. *Educational technology research and development*, 53(4), 5-23.

Zulkifli Din Mohamed Nasirudin, Harun Baharudin, Nik Mohd Rahimi Nik Yusoff & Nabihah Yusof (2022). Level Of Arabic Text Reading Skills in The Integrated Dini Curriculum. *Ijaz Arabi Journal of Arabic Learning*, 5(1).

TINJAUAN TAHAP KOMPETENSI BERTUTUR BAHASA ARAB BAGI UJIAN KEMASUKAN KE USIM

Zalika Adam ⁱ & Wan Azura binti Wan Ahmad ⁱⁱ

ⁱ (Penulis Koresponden). Pensyarah. Fakulti Pengajian Bahasa Utama, Universiti Sains Islam Malaysia. zalika@usim.edu.my

ⁱⁱ Pensyarah. Fakulti Pengajian Bahasa Utama, Universiti Sains Islam Malaysia. wanazura@usim.edu.my

Abstrak

Bahasa Arab merupakan syarat kemasukan ke Universiti Sains Islam Malaysia, memandangkan para pelajar yang memasuki Universiti Sains Islam Malaysia (USIM) terdiri daripada pelajar lepasan sekolah menengah agama sama ada melalui SPM, STAM, STPM, Diploma atau Matrikulasi. Mereka mengambil mata pelajaran bahasa Arab di semua peringkat tersebut. Tujuan kajian ini adalah untuk menilai tahap kompetensi mereka setelah mempelajari bahasa Arab di peringkat sekolah menengah selama 5 atau 6 tahun. Hal ini adalah penting bagi memastikan tahap penguasaan pelajar berada pada tahap sederhana atau tinggi untuk memudahkan pembelajaran di peringkat universiti. Para pelajar di USIM perlu mengambil bahasa Arab tanpa mengira jurusan, contohnya, pelajar dalam jurusan Sains, akan mengambil subjek Bahasa Arab untuk Sains, pelajar dalam jurusan Sains Sosial seperti dalam bidang Ekonomi dan Kepimpinan perlu mengambil subjek Bahasa Arab untuk Sains Sosial. Kajian ini menggunakan kaedah temuduga yang melibatkan 5 orang responden terdiri daripada pelajar USIM yang pernah mengambil peperiksaan kelayakan Bahasa Arab. Hasil dapatan kajian dianalisa menggunakan perisian Atlast Ti. Dapatan kajian mendapati bahawa para pelajar kurang mempunyai perbendaharaan kata, kurang berkeyakinan ketika bertutur, masih mempunyai kelemahan dalam penggunaan kata nama dan kata kerja yang bersesuaian secara spontan, tambahan motivasi untuk berkomunikasi yang kian menurun.

Kata kunci: Bahasa Arab, Tahap Kompetensi

INTRODUCTION

Bahasa Arab adalah salah satu syarat umum kemasukan ke Universiti Sains Islam Malaysia selain daripada beberapa syarat am yang lain seperti mencapai tahap kepujian

(kredit) dalam subjek Syariah Islam atau Pengajian Islam, memiliki sekurang-kurangnya tahap 1 (band 1) dalam *Malaysian University English Test* (MUET) mengikut tempoh sah laku tarikh permohonan dan juga beberapa syarat khas lain berdasarkan syarat yang ditetapkan oleh fakulti. Oleh sebab itu, semua pelajar yang melanjutkan pengajian ke USIM berlatarbelakangkan sekolah agama. Hal ini berbeza dengan Universiti Islam Antarabangsa Malaysia (UIAM) yang boleh menerima pelajar non-muslim dan bukan dari sekolah agama. Mereka akan mempelajari bahasa Arab di Pusat Bahasa UIAM setelah ujian tahap bahasa dijalankan.

Bagi pelajar yang berjaya mendapat surat tawaran melanjutkan pengajian ke USIM, mereka akan memasuki satu ujian tahap kemahiran bahasa Arab, bertujuan untuk mengetahui tahap penguasaan dan menentukan tahap yang perlu diduduki sebelum menamatkan pengajian selama empat tahun di semua fakulti dan 6 tahun bagi pengkhususan Perubatan.

Pada tahun 2019, USIM mengorak langkah ke hadapan dalam penialain Bahasa Arab dengan menjalinkan kerjasama bersama Majlis Peperiksaan Malaysia (MPM) bagi menjalankan ujian bahasa Arab yang dikenali sebagai "Imtihan Al-Kafaah Li Al-Lughah Al-Arabiyyah (IKLA)". Sebelum ini, pihak Unit Pusat Bahasa, Fakulti Pengajian Bahasa Utama, USIM yang mengendalikan peperiksaan tersebut.

Dalam peperiksaan IKLA, pelajar diuji dengan 4 kemahiran iaitu, membaca, menulis, mendengar dan bertutur. Semua pelajar tanpa mengira bidang pengkhususan wajib mengambil ujian ini. Pelajar yang berlatarbelakangkan sekolah agama jelas dapat dilihat pencapaian yang diperoleh melalui ujian ini sama ada sederhana atau cemerlang. Hanya segelintir pelajar sahaja yang membuktikan kemahiran bertutur yang dicapai. Kajian yang dijalankan oleh Abdullah et.al (2017) membuktikan punca kebimbangan dalam bertutur yang dialami oleh guru pelatih bahasa Arab di Institut Pendidikan Guru Kampus Pendidikan Islam ketika mempelajari kemahiran bertutur ialah disebabkan oleh tahap penguasaan bertutur yang rendah.

Antara faktor lain yang menyumbang kepada kelemahan pelajar dalam bertutur ialah wujudnya perasaan negatif dalam diri pelajar sendiri seperti malu untuk bercakap, tidak yakin dan sebagainya yang berkemungkinan akan dipandang negatif oleh rakan atau ditertawakan (Ab. Halim, 2009). Keadaan ini menyebabkan pelajar semakin takut untuk mengambil bahagian dalam aktiviti bertutur dalam sesi

pembelajaran. Hal ini juga turut menyumbang kepada motivasi dan psikologi bertutur bahasa Arab dengan baik.

METODOLOGI KAJIAN

Kajian ringkas ini menggunakan kaedah kualitatif iaitu menemuduga 5 orang calon yang pernah menduduki “Imtihan Al-Kafaah Li Al-Lughah Al-Arabiyyah (IKLA)”. Hasil dapatan kajian menggunakan perisian Atlas ti, mengeluarkan beberapa tema hasil dapatan kajian yang dijalankan.

DAPATAN KAJIAN

Kajian ini menunjukkan beberapa dapatan iaitu:

1- Kurang perbendaharaan kata

Berdasarkan ujian yang dijalankan, pemeriksa membuat kesimpulan bahawa 80% pelajar kurang perbendaharaan kata. Hal ini jelas apabila pelajar tidak mampu bertutur dengan baik. Terdapat dalam kalangan calon yang berdiam diri tanpa membuka mulut sepanjang sesi ujian bertutur dijalankan.

2- Kurang keyakinan ketika bertutur

Calon ujian bertutur tidak mempunyai keyakinan ketika bertutur. Jelas terbukti apabila calon teragak-agak ketika menjawab soalan ujian yang dikemukakan.

3- Kelemahan dalam penggunaan kata nama dan kata kerja yang sesuai secara spontan

Calon ujian bertutur menunjukkan kelemahan mereka ketika bertutur apabila mereka tidak mampu menyusun ayat dengan menggunakan frasa nama dan frasa kerja yang sesuai secara spontan. Hal ini disebabkan oleh kurangnya latihan yang berterusan di peringkat sekolah lagi.

4- Tiada motivasi untuk bertutur

Calon ujian bertutur tidak mempunyai motivasi yang tinggi. Hal ini jelas kelihatan apabila calon tidak mampu menjawab soalan yang diajukan. Terdapat dalam kalangan mereka yang hanya menuturkan sepatah dua kata sahaja.

5. Tidak memahami perkataan-perkataan atau istilah khusus dalam sesuatu isu atau bidang yang dibincangkan

Calon bertutur tidak memahami istilah khusus misalnya takaful kesihatan atau *medical card* apabila membincangkan isu kesihatan, pendapatan individu (*addakhl af-fard*) ketika membicarakan soal ekonomi dan taraf kehidupan dan sebagainya.

KESIMPULAN

Berdasarkan kajian ringkas yang dinyatakan dapat disimpulkan bahawa pelajar bukan penutur jati bahasa Arab masih mempunyai banyak kelemahan dalam ujian IKLA yang dijalankan. Walaupun pelajar berlatarbelakangkan sekolah agama, namun pencapaian mereka adalah masih ditahap yang membimbangkan. Pelbagai usaha perlu dijalankan bagi meningkatkan kompetensi pelajar sebelum menduduki ujian IKLA antaranya ialah membuat latihan sendiri dalam pertuturan bahasa Arab, mewujudkan suasana bahasa Arab yang kondusif untuk meningkatkan motivasi bertutur dan membiasakan mereka mendengar bahan berbentuk berita dan siaran radio berbahasa Arab.

RUJUKAN

- Ab. Halim, M. (2009). *Tahap Komunikasi dalam Bahasa Arab dalam Kalangan Pelajar Sarjana Muda Bahasa Arab di IPTA Malaysia*. *Journal of Islamic and Arabic Education*, 1(1), 1–14
- Abdullah Hamzah et.al. (2017). Mengapa Guru Pelatih Bimbang untuk bertutur dalam kelas Bahasa Arab?, *Jurnal Kemanusiaan UITM* 15, ms1-6.
- Abd Rahman, Ghazali Yusri (2012) *Penilaian Kemahiran Lisan Dalam Kurikulum Bahasa Arab Di Universiti Teknologi Mara (UITM)*. Phd Thesis, Universiti Kebangsaan Malaysia.
- H. Abdul Munip. (2017). *Penilaian Pembelajaran Bahasa Arab*, Fakultas Ilmu Tarbiyah dan Keguruan UIN Sunan Kalijaga Yogyakarta, Indonesia.
- <https://www.usim.edu.my/files/admission/syarat-sarjanamuda/5/#zoom=z> Syarat Kemasukan Am dan Khusus USIM, capaian 14 Nov 2022.

<https://upuonline.net/syarat-kemasukan-uiaam/> Syarat Kemasukan Am dan Khusus UIAM, capaian 14 Nov 2022.

KEBEBASAN MEDIA DI MALAYSIA DARI KONTEKS SOSIAL

Safiyah Ahmad Sabri ⁱ

ⁱ (Penulis Koresponden). Pensyarah Kanan. Fakulti Kepimpinan dan Pengurusan, Universiti Sains Islam Malaysia. safiyah@usim.edu.my

Abstrak

Kebebasan media dari dulu hingga kini masih sering dipersoalkan. Persoalan tentang ketelusan dan konten yang dikawal di Malaysia banyak membicarakan tentang isu pemilikan agensi media itu sendiri serta kepentingan pemegang sahamnya. Namun, apakah yang membezakan media Malaysia dengan negara lain? Apakah keperluan kepada limitasi yang berupa kawalan konten ini? Kertas ini membincangkan tentang keperluan kawalan konten dalam media di Malaysia dari segi konteks sosial di mana masyarakatnya terdiri daripada pelbagai kaum dan agama. Melalui temuduga bersama 10 orang pengamal media di Utusan Malaysia dan The Star, satu analisis telah dilakukan dengan menggunakan perisian Noivo melalui pembahagian tema dari konteks sosial. Dapatan kajian mendapati betapa perlunya kawalan konten dalam berita yang ditulis di media berikutan perbezaan yang terdapat dalam lapisan masyarakat majmuknya. Dapatan ini diharap dapat membuka minda orang ramai tentang keperluan kawalan ini mengikut situasi dan keadaan yang berbeza.

Keywords: kawalan konten, media Malaysia, masyarakat majmuk, pemilikan media, kebebasan media

PENGENALAN

Perkembangan teknologi yang mendadak dari semasa ke semasa merupakan pelbagai kelebihan bagi Malaysia dalam menuju ke arah sebuah negara maju. Kewujudan media baharu yang boleh dikatakan bukan lagi baharu misalnya, yang telah memupuk trend dalam kalangan masyarakat dunia seperti penggunaan media sosial; Twitter, Tiktok, Facebook, Instagram, Whatsapp dan sebagainya menjadikan penerimaan dan pencarian berita menjadi lebih luas dan bersifat terbuka. Ini membuka lebih banyak ruang dan potensi ke arah pembentukan dan penyebaran berita palsu dan sebagainya. Dalam sesetengah kes, berita yang disebar juga boleh mengandungi unsur-unsur hasutan yang boleh memecah-belahkan antara kaum. Situasi ini berpunca daripada konten yang

tidak dikawal dan ditapis dan seterusnya menyebabkan perpecahan dalam masyarakat setempat seperti peristiwa berdarah yang berlaku pada 13 Mei 1969.

Amalan media di Malaysia sering dikaitkan dengan pelbagai pendapat yang mengarah kepada media yang tidak bebas. Dalam banyak negara maju, media di negara-negara tersebut dikatakan dan dianggap bebas sepenuhnya (Adeyeri, 2011). Perbezaan amalan media Malaysia dan negara-negara tersebut juga dibincangkan sama ada dari dalam mahu pun di luar negara. Perbezaan ini perlu dirujuk dalam konteks yang berbeza apabila dibandingkan situasinya dalam sesebuah masyarakat majmuk.

Melalui konteks masyarakat majmuk ini, media boleh menjadi satu ancaman yang boleh mengganggu gugat keamanan dan ketenteraman nasional. Sebagai contoh, isu-isu yang berkaitan dengan kaum dan agama merupakan antara isu paling sensitif dalam kalangan masyarakat ini. Antara isu yang pernah terjadi adalah seperti isu murtad Lina Joy yang berlaku pada tahun 1990an dan terjemahan perkataan 'God' kepada 'Allah' dalam majalah Kristian yang berlaku sejak tahun 2009 dan perbicaraannya masih diteruskan sehingga kini (Muhammad Raqib Mohd Sofian & Azman Azwan Azmawati, 2019).

Dalam hal seperti ini, penulisan berita berkenaan dua isu tersebut perlu dilakukan dengan berhati-hati di mana wartawan perlu mengikut kehendak atau kepentingan kepada pemilik agensi media yang menjadi majikannya. Pada masa yang sama, wartawan juga bergelut dengan pegangan dan kepercayaan kepada agama yang dianuti (Safiyah Ahmad Sabri, 2022). Tetapi perkara yang paling diutamakan adalah untuk tidak menulis konten yang boleh menimbulkan perbalahan di antara kaum-kaum yang terlibat. Ini merupakan satu cabaran bagi wartawan yang mungkin keadaannya berbeza dengan negara-negara lain.

METODOLOGI

Bagi mencapai objektif kajian ini, sesi temuduga telah dijalankan dalam kalangan 10 orang pengamal media yang telah bekerja lebih daripada lima tahun yang merupakan responden kajian. Mereka ini terdiri daripada para editor dan wartawan daripada dua buah agensi berita; Utusan Malaysia dan The Star. Pemilihan kedua-dua agensi ini

dilakukan berikutan menjadi antara agensi utama negara dengan dua bahasa yang berlainan; Bahasa Melayu dan Bahasa Inggeris. Kedua-duanya juga pernah berdepan dengan kontroversi yang melibatkan agama dan kaum yang mengukuhkan lagi kepada pemilihan tersebut (Muhammad Raqib Mohd Sofian & Adnan Hussein, 2014). Atas permintaan, responden telah meminta untuk merahsiakan identiti demi tujuan reputasi dan nama baik agensi dan peribadi.

Kajian ini telah mengguna pakai kaedah kualitatif dengan menganalisis tema-tema yang telah diwujudkan daripada konteks sosial yang terdiri daripada politik, ekonomi, budaya, agama, gender dan pendidikan yang telah dibangunkan oleh pengkaji yang merujuk kepada definisi 'konteks sosial' itu sendiri. Setelah tema ditetapkan, data daripada temuduga-temuduga tersebut telah dianalisis dengan menggunakan perisian Nvivo 12. Analisis tersebut telah memperincikan lagi respon-respon dalam kategori kumpulan tema dan seterusnya memberi hasil kepada dapatan kajian ini.

DAPATAN KAJIAN

Seperti yang telah dinyatakan, objektif kajian adalah untuk mengkaji keperluan kawalan konten media di Malaysia dalam penulisan berita dari segi konteks sosial melalui tema-tema yang telah dibangunkan; politik, ekonomi, budaya, agama, gender dan pendidikan. Perbincangan hasil dapatan telah dikelaskan mengikut tema-tema tersebut.

Dari segi politik, hampir semua pengamal media bersetuju bahawa mereka memang perlu menulis mengikut kehendak pemilik demi menjaga kepentingan politik pemilik agensi tersebut. Keadaan ini menurut responden A1, A3, dan B4 menyatakan bahawa ia adalah situasi normal di mana kesemua pengamal media faham bahawa mereka perlu patuh kepada kehendak ini atas nama majikan yang membayar gaji mereka. Sebagai contoh responden A3 yang mengatakan "Samalah macam agensi-agensi lain yang mana kita perlu tahu misi dan visi syarikat yang mana kita dah bersetuju daripada awal ketika mula diambil bekerja...". Perkara ini dipersetujui oleh majoriti responden di mana B4 pula menyatakan "Takkanlah kita bekerja di rumah ni, tapi nak ikut peraturan rumah sebelah pulak...". Namun, kawalan konten dari segi politik ini kebiasaannya adalah tidak perlu dikawal kerana masing-masing faham akan

tugas dan tanggungjawab mereka dan tidak menjadi satu ancaman kepada keamanan sosial masyarakat setempat.

Daripada segi ekonomi pula, kesemua responden menyatakan bahawa kategori inilah yang paling tidak mengganggu apa-apa yang boleh mengarah kepada pepecahan masyarakat. Dalam kata lain, konten dalam subjek ekonomi memang tidak akan menyebabkan berlakunya pergaduhan atau perselisihan faham yang boleh mengakibatkan huru-hara dalam masyarakat berbilang bangsa. Responden B5 menyatakan “Dia yang ni bukan akan jadi orang Melayu pi gaduh dengan orang India, India pi gaduh dengan Cina. Marah pasal harga contohnya, hat tu semua orang marah tapi tak sampai nak berperang sama sendirilah...”

Ini berbeza dengan kategori budaya dan agama yang mana kesemua responden menyatakan bahawa mereka selalu diingatkan tentang bahaya dalam menulis tentang isu agama dan budaya. Sebagai contoh, responden A2 menyatakan bahawa mereka selalu dinasihatkan supaya berhati-hati dalam melaporkan tentang isu-isu kaum dan agama ini. Responden B3 pula menyebut, “Tulislah apa yang disebut dalam mahkamah sahaja... maknanya perbicaraan atau keputusan kepada perbicaraan tu je...” Beliau menyambung, dalam menulis tentang isu ini, mereka perlu bertindak neutral dan berpandukan sepenuhnya kepada apa yang berlaku di mahkamah sahaja. A5 pula menambah, “Kadang-kadang, ada juga benda yang kita tak tulis pun contoh isu baling kepala lembu dalam kuil, baling kepala babi dalam masjid... bunyi macam best jadi berita, tapi fikir balik kesan dia, kita dinasihatkan jangan...”. Responden A1 pula mengatakan bahawa dalam mereka perlu mengejar berita yang berbentuk sensasi yang akan menarik ramai pembaca, tetapi mereka juga faham tanggungjawab media dalam membantu mengukuh dan mengekalkan keamanan nasional dalam kalangan masyarakat yang pelbagai seperti Malaysia.

Kategori yang terakhir adalah gender dan pendidikan yang mana sekali lagi, kesemua responden mengatakan bahawa konten bagi kategori ini adalah lebih kepada bersifat tidak membahayakan. Namun, responden B1 ada menyatakan, “Tapi kadang-kadang, contoh isu sekolah kebangsaan dan SKJC pun kadang-kadang kita tak payahlah nak *exaggerate* sangat... benda dah setuju, dah jalan, kita lapor je apa yang baru, apa yang tidak...” Responden A1 dan B4 juga mengatakan mereka sebenarnya boleh memilih untuk mensensasikan isu-isu seperti itu seperti dengan menemubual

mereka yang mempunyai kepentingan tersendiri. Namun, dalam hampir semua hal, mereka memilih untuk tidak memperbesarkan isu-isu tersebut demi keselamatan dan keamanan masyarakat.

PERBINCANGAN

Melalui hasil dapatan kajian, jelas menunjukkan bahawa pengamal media daripada kedua-dua agensi media mempunyai pandangan yang sama daripada keenam-enam kategori; politik, ekonomi, budaya, agama, gender dan pendidikan. Walaupun kategori-kategori politik, ekonomi, gender dan pendidikan didapati tidak begitu perlu dikawal dari segi kontennya, namun potensi bahaya tetap ada jika mereka memilih untuk mensensasikan isu-isu tersebut. Malah, mereka jelas dan faham dengan perbezaan yang wujud dalam kalangan masyarakat majmuk berbanding negara-negara lain yang mungkin hanya dimonopoli oleh kaum-kaum tertentu.

Keadaan ini adalah berbeza sama sekali dengan kategori budaya dan agama di mana kesemua responden menyatakan bahawa mereka perlu sangat berhati-hati dalam menulis isu-isu atau konflik yang berkaitan dengan budaya dan agama. Disebabkan itu, selain daripada kawalan yang biasanya dilakukan oleh *gatekeeper* yang biasanya dilakukan oleh editor, mereka juga belajar daripada pengalaman yang telah dilalui oleh kedua-dua agensi tersebut di mana kesalahan kecil seperti susunan berita di muka surat dan penempatan artikel di halaman yang salah juga boleh menjadi isu jika ia melibatkan isu budaya dan agama. Dalam hal ini, kesemua responden menyatakan bahawa kawalan konten bagi berita yang menyentuh isu budaya dan agama ini adalah sangat perlu bagi mengelakkan berlakunya perselisihan faham dan pergaduhan dalam kalangan masyarakat.

Perbezaan pelaksanaan pemerintahan negara berbanding negara-negara lain juga berbeza yang mungkin menyebabkan laporan media mereka lebih berbentuk bebas berbanding di Malaysia. Hal ini juga disebabkan oleh pemilikan media yang biasanya dikaitkan dengan parti-parti politik yang ada di Malaysia sama ada yang memerintah mahupun parti lawan mengikut keadaan semasa.

Kesemua responden juga bersetuju dan faham kepada keperluan mereka menjaga keamanan nasional dalam masyarakat. Mereka juga ada menandatangani Aku

Janji ketika mula-mula berkhidmat di mana membantu kerajaan dalam mengekalkan keamanan nasional adalah merupakan salah satu tanggungjawab utama mereka selain menyebarkan maklumat kepada orang ramai.

KESIMPULAN

Kesimpulannya, kajian mendapati bahawa pengamal media di Malaysia telah difahamkan mengenai tanggungjawab mereka dalam membantu kerajaan untuk mengekal dan mengukuhkan lagi keamanan dalam negara. Walaupun mereka akan terus memperjuangkan kebebasan akhbar, tetapi dari konteks sosial, kawalan konten adalah perlu terutamanya yang melibatkan isu-isu yang berbentuk perkauman, budaya dan agama. Limitasi seperti ini juga perlu wujud di mana kebebasan yang dimaksudkan tetap akan mempunyai had dalam hal-hal yang tertentu. Malah, terlalu bebas juga boleh menyebabkan diskriminasi terhadap sesebuah kumpulan, komuniti, mahupun seseorang individu (Nur Amali Aminnuddin, 2020). Disebabkan itu, pengamal media bertindak untuk melaporkan dengan lebih berhati-hati apabila berkaitan dengan isu yang melibatkan kaum dan agama. Dalam hal ini, pertimbangan kepada kawalan dalam sesetengah perkara adalah sangat perlu bagi mengelakkan pepecahan dalam sesebuah masyarakat. Justeru, masyarakat perlu dididik agar faham dengan keperluan kepada beberapa jenis konten demi menjaga keharmonian negara. Terutamanya bagi masyarakat majmuk seperti Malaysia, keperluan kepada meraikan perbezaan adalah lebih baik berbanding menggunakan perbezaan sebagai alat untuk mengaut keuntungan media.

RUJUKAN

- Adeyeri, O. (2011). Media democracy and human rights in plural states. The case of Nigeria. *Journal of Sustainable Development in Africa*, 13(8), 120-128.
- Leong, P. (2015). Political communication in Malaysia. A study on the use of new media in politics. *Journal of Democracy*, 7(1), 46-71.

- Mohd Zuwairi Mat Saad, Normah Mustaffa, Abdul Latiff Ahmad & Badrul Redzuan Abu Hassan (2016). Transformasi corak penulisan berita dalam akhbar arus perdana Malaysia. *Journal of Social Sciences and Humanities*, 11(1), 300-310.
- Muhammad Raqib Mohd Sofian & Adnan Hussein (2014). Analisis kualitatif pementakan akhbar The Star dan Utusan Malaysia mengenai kontroversi majlis "Thanksgiving" di DUMC. *Jurnal Komunikasi*. 30(1), 117-145.
- Muhammad Raqib Mohd Sofian & Adnan Hussein (2014). Unilateral conversion controversy in Malaysia: a study on news coverage by The Star newspaper. Proceedings of the International Conference on Psychology and Communication 2018 (ICPC 2018). <https://doi.org/10.2991.icpc-18.2019.22>
- Nur Amali Aminnuddin (2020). Ethnic differences and predictors of racial and religious discriminations among Malaysian Malays and Chinese. *Cogent Psychology*, 7(1), 1766737. <https://doi.org/10.1080/23311908.2020.1766737>
- Safiyah Ahmad Sabri & Zaridah Abdullah (2022). News reporting on religious issues: Malaysian media practitioners' perspective. *Malaysian Journal of Communication*, 38(3), 291-303. <https://doi.org/10.17576/JKMJC-2022-3803-18>

PENDEKATAN HARMONISASI DALAM MEMPERKENALKAN PERUNDANGAN HUDUD DI MALAYSIA

Nur Al-Farhain Kamaruzaman ⁱ, Nur Aina Abdulah ⁱⁱ & Mashitah Abdul Mutalib ⁱⁱⁱ

ⁱ (Penulis Koresponden). Pensyarah. Fakulti Syariah dan Undang-Undang, Universiti Sains Islam Malaysia.
farhain@usim.edu.my

ⁱⁱ Pensyarah. Fakulti Syariah dan Undang-Undang, Universiti Sains Islam Malaysia.
nuraina.abdulah@usim.edu.my

ⁱⁱⁱ Pensyarah. Fakulti Syariah dan Undang-Undang, Universiti Sains Islam Malaysia.
mashitahmutalib@usim.edu.my

Abstrak

Di Malaysia, usaha memperkenalkan undang-undang jenayah Islam secara total telah dirintis oleh Kerajaan Negeri Kelantan pada tahun 1993 melalui Enakmen Kanun Jenayah Syariah (II) 1993 dan pada tahun 2015. Begitu juga dengan usaha yang dilakukan oleh Kerajaan Negeri Terengganu pada tahun 2002 melalui Enakmen Kesalahan Jenayah Syariah (Hudud Dan Qisas) Terengganu 1423h/2002. Walaubagaimanapun kesemua usaha ini tidak berjaya kerana enakmen ini menghadapi masalah dari sudut perundangan. Terdapat pihak yang berpandangan, pendekatan yang bersifat revolusionari ini kurang sesuai dengan kerangka perundangan Malaysia. Justeru, di dalam artikel ini, pengkaji akan mengkaji pendekatan yang bersifat lebih evolutionari iaitu pendekatan harmonisasi. Objektif artikel ini adalah mengkaji konsep dan pendekatan harmonisasi seterusnya menganalisis kesesuaian menggunakan pendekatan ini di dalam memperkenalkan undang-undang jenayah Islam di Malaysia khususnya bagi kesalahan-kesalahan hudud. Artikel ini menggunakan pendekatan kualitatif iaitu analisis dokumen. Dapatan kajian mendapati pendekatan harmonisasi ini boleh diaplikasikan dalam memperkenalkan sebahagian kesalahan-kesalahan hudud melalui pindaan di dalam Enakmen Kesalahan Jenayah Syariah negeri-negeri serta Akta Mahkamah Syariah (Bidang Kuasa Jenayah) 1965.

Keywords: Harmonisasi, hudud, undang-undang jenayah Islam

PENGENALAN

Undang-undang jenayah Islam adalah undang-undang Islam yang dipinggirkan di kebanyakan negara-negara Islam setelah masuknya imperialis Barat. Setelah mencapai kemerdekaan, banyak usaha-usaha Islamisasi mula diadakan termasuklah memperkenalkan semula

perundangan jenayah Islam (Reza, 2013; Sidahmed, 2001). Sebagai contoh, undang-undang jenayah Islam mula diperkenalkan di Libya pada tahun 1969, tahun 1979 di Pakistan, selepas kemenangan Revolusi Islam Iran di Iran dan di Sudan selepas Al-Nimeri berkuasa (Fluehr-Lobban, 1990; Hossein Nayyeri, 2012; Jamal Shah, 2012; Martin Lau, 2014; Mayer, 1990). Dalam konteks di Malaysia, usaha memperkenalkan undang-undang hudud telah dirintis oleh Kerajaan Negeri Kelantan pada tahun 1993 dan 2015 dan Kerajaan Negeri Terengganu pada tahun 2002 (Kamali, 1995, 1998; Lindsey & Steiner, 2016; Salleh, 1999).

Pendekatan yang digunakan oleh Kerajaan Negeri Kelantan dalam usaha bagi memperkenalkan hudud adalah menggubal sebuah enakmen yang baru yang mengandungi ketiga-tiga komponen undang-undang jenayah Islam iaitu hudud, qisas dan ta'zir. Secara asasnya, enakmen yang dinamakan Enakmen Kanun Jenayah Syariah (II) 1993 ini mengandungi 72 klausa. Bahagian pertama mengandungi klausa berkaitan hudud, bahagian kedua pula mengandungi kesalahan berkaitan qisas yang memperuntukkan hukuman bagi kesalahan bunuh dan berkaitan diyat. Manakala bahagian ketiga mengandungi peruntukan berkaitan pembuktian dan keterangan dan bahagian keempat pula memperuntukkan garis panduan berkaitan kaedah sebatan dan potong anggota badan. Dua bahagian terakhir, kelima dan keenam, memperuntukkan peruntukan umum berkaitan penubuhan Mahkamah Bicara Syariah Khas dan Mahkamah Rayuan Syariah Khas. Pendekatan yang sama juga digunakan oleh Kerajaan Negeri Terengganu bagi memperkenalkan hudud di Terengganu pada tahun 2002 dengan menggubal Enakmen Kesalahan Jenayah Syariah (Hudud Dan Qisas) Terengganu 1423h/2002. Kedua-dua enakmen ini tidak dapat dilaksanakan kerana mempunyai kekangan dari sudut perundangan (Shamrahayu 2007; 2017a; 2017b; Abdul Hamid, 2015a, 2015b).

Terdapat pelbagai cadangan yang diutarakan oleh pengkaji lain bagi membolehkan enakmen ini dilaksanakan. Antara cadangan yang diberikan oleh Azhar Abdullah et al (2015) adalah menggunakan klausa 76A di dalam Perlembagaan Persekutuan bagi membolehkan Kerajaan Negeri Kelantan melaksanakan enakmen ini. Terdapat juga cadangan lain seperti cadangan meminda beberapa bahagian di dalam Perlembagaan Persekutuan. Walaubagaimanapun, berdasarkan bacaan politik terkini, usaha meminda Perlembagaan ini amatlah sukar. Oleh itu, pendekatan lain bagi memperkenalkan perundangan jenayah hudud di Malaysia perlu dikaji dan diteroka.

Antara pendekatan yang boleh diteroka bagi melaksanakan perundangan jenayah hudud di Malaysia adalah dengan menggunakan pendekatan harmonisasi yang dipelopori oleh tokoh perundangan terkenal iaitu Abd Razak Sanhuri (Abdul Hamid, 2008). Manakala di Malaysia, pendekatan ini banyak dibincangkan oleh pihak seperti *Islamisation of Knowledge Committee*, *Ahmad Ibrahim Kuliyyah of Law* dan beberapa tokoh yang lain seperti Muhammad Hashim Kamali dan Tun Abdul Hamid (Kamali, 2003, 2007). Pendekatan ini banyak digunakan

di dalam bidang-bidang yang lain seperti di dalam bidang perbankan Islam dan berjaya menunjukkan kesan yang positif dalam usaha mengislamisasi produk perbankan Islam. Justeru, tujuan kajian ini dijalankan adalah bagi mengkaji pendekatan kerangka pendekatan harmonisasi, menganalisis kesesuaian pendekatan ini dalam memperkenalkan perundangan hudud di Malaysia, serta mengaplikasikan pendekatan ini dalam memperkenalkan perundangan hudud di Malaysia.

METODOLOGI

Kajian ini menggunakan pendekatan kualitatif dengan reka bentuk analisis kandungan (*content analysis*). Data dari kajian dikumpulkan melalui buku, artikel-artikel jurnal dan prosiding seminar yang membincangkan topik harmonisasi. Data-data ini kemudiannya dianalisis secara tematik berpandukan kepada objektif kajian.

DAPATAN KAJIAN DAN PERBINCANGAN

Hasil daripada analisis kajian, pengkaji mendapati bahawa pendekatan harmonisasi ini boleh digunakan bagi memperkenalkan perundangan hudud di Malaysia. Bagi menjelaskan hasil dapatan ini, pengkaji akan membahagikan perbincangan ini kepada beberapa subtopik berikut:

I. Kerangka Pendekatan Harmonisasi

Berdasarkan analisis terhadap literatur berkaitan harmonisasi, dapat disimpulkan bahawa kerangka pendekatan harmonisasi adalah seperti berikut :

- a. Proses harmonisasi hanya boleh dijalankan kepada dua sistem undang-undang, iaitu syariah dan sivil hanya apabila terdapat ruang untuk diharmonikan. Ia tidak boleh dilakukan terhadap kedua-dua undang-undang itu bercanggah secara total di antara satu sama lain seperti di dalam isu riba.
- b. Proses harmonisasi boleh memberi kesan kepada kedua-dua set undang-undang samada sivil atau syariah. Pindaan boleh dilakukan samada pada undang-undang syariah mahupun pada undang-undang sivil yang tidak selaras dengan syariah. Ia boleh diharmonikan melalui proses pindaan samada melibatkan undang-undang substantif atau prosedural.
- c. Perkara yang melibatkan perkara dogma dan ritual seperti akidah dan ibadah tidak boleh dilaksanakan ke atasnya proses harmonisasi.
- d. Proses harmonisasi boleh berlaku samada secara totalitarian atau bersifat beransur-ansur.

- e. Proses harmonisasi kadangkala melibatkan proses pengubahsuaian perkataan dan istilah tanpa melibatkan proses *ijtihad*. Sebagai contoh menukarkan istilah timbangan dan pengukuran zaman dahulu kepada bahasa dan istilah moden.
- f. Tujuan asas kepada proses harmonisasi ini bagi menyelesaikan masalah percanggahan undang-undang dan mengatasi isu dualiti undang-undang syariah dan sivil di dalam sesebuah sistem perundangan.

II. Kesesuaian Pendekatan Harmonisasi dalam Memperkenalkan Perundangan Hudud di Malaysia

Pendekatan harmonisasi ini sesuai digunakan bagi memperkenalkan perundangan hudud di Malaysia kerana perundangan jenayah di Malaysia iaitu Enakmen Jenayah Syariah Negeri-negeri dan Kanun Keseksaan mempunyai persamaan dari sudut objektif dan matlamat akhir kedua-dua perundangan iaitu bagi menghukum, memberi pengajaran serta merawat pesalah dan mencegah kesalahan ini supaya tidak dilakukan oleh orang lain.

III. Aplikasi Pendekatan Harmonisasi dalam Memperkenalkan Perundangan Hudud di Malaysia

Langkah-langkah bagi memperkenalkan perundangan hudud di Malaysia menggunakan pendekatan harmonisasi adalah seperti berikut:

- a. Proses harmonisasi ini mesti menghormati kedudukan Perlembagaan Persekutuan sebagai undang-undang tertinggi negara

Antara perkara terpenting yang perlu diberi perhatian adalah mengenai pembahagian kuasa di antara Negeri dan Persekutuan seperti yang disenaraikan di dalam Jadual Kesembilan serta Akta Mahkamah Syariah (Bidang Kuasa Jenayah)1965.

- b. Proses harmonisasi ini dimulakan dengan mengenalpasti '*areas of conflict*' di dalam undang-undang sedia ada.

Bil	Jenis Kesalahan Hudud	Bidangkuasa Menghukum Berdasarkan Perlembagaan Persekutuan
1.	Mencuri	Penal Code
2.	Merompak	Penal Code
3.	Zina	Enakmen Kesalahan Jenayah Syariah

		Negeri-negeri
4.	Qazaf	Enakmen Kesalahan Jenayah Syariah Negeri-negeri
5.	Riddah	Enakmen Kesalahan Jenayah Syariah Negeri-negeri
6.	Minum Arak	Enakmen Kesalahan Jenayah Syariah Negeri-negeri
7.	Memberontak	Penal Code

- c. Proses harmonisasi difokuskan dengan melakukan perubahan dengan bahagian yang kurang kontroversi

Pengkaji mencadangkan agar peringkat pertama proses harmonisasi ini dilakukan dengan menfokuskan dengan kesalahan hudud yang terletak di bawah bidang kuasa negeri iaitu kesalahan minum arak, zina dan qazaf dahulu.

PENUTUP

Pendekatan yang digunakan oleh Kerajaan Negeri Kelantan bagi memperkenalkan perundangan hudud melalui Enakmen Kanun Jenayah Syariah (II) 1993 telah menemui kegagalan setelah cubaan beberapa kali dan telah melalui satu tempoh yang panjang iaitu menjangkau hampir tiga puluh tahun. Begitu juga dengan usaha yang dilakukan oleh Kerajaan Negeri Terengganu pada tahun 2002. Oleh itu, pendekatan baharu iaitu pendekatan harmonisasi dicadangkan di dalam kajian ini bagi membolehkan perundangan jenayah hudud diperkenalkan di Malaysia. Pendekatan ini terbukti telah berjaya di dalam beberapa bidang yang lain. Melalui pendekatan ini, di peringkat pertama, sebahagian kesalahan-kesalahan hudud boleh diperkenalkan di dalam Enakmen Jenayah Syariah Negeri masing-masing. Pendekatan secara beransur-ansur ini dilihat lebih sesuai digunakan mengambil kira konteks perundangan Malaysia serta kepelbagaian masyarakat majmuk yang ada di Malaysia.

RUJUKAN

- Abdul Hamid Mohamed. (2015a). Implementation Of Islamic Criminal Law in Malaysia. Seminar On Implementation of Hudud in Malaysia – History and The Future. <https://tunabdulhamid.me/2015/04/implementation-of-islamic-criminal-law-in-malaysia-en/>
- Abdul Hamid Mohamed. (2015b). Pelaksanaan Hudud: Peluang dan Cabaran. Bicara Persada.

- Abdul Hamid Mohamed. (2008). *Harmonisation of Common Law & Shariah in Malaysia: A Practical Approach*. 6 November, Harvard Law School
- Azhar Bin Abdullah. (2015). *Kanun Jenayah Syariah (II) (1993) 2015: Pengenalan dan Hala Tuju* (1st ed.). Percetakan Mesbah Sdn Bhd.
- Fluehr-Lobban, C. (1990). Islamization in Sudan: A Critical Assessment. *Middle East Journal*, 44.
- Hossein Nayyeri. (2012). New Islamic Penal Code of the Islamic Republic of Iran: An Overview (Issue March).
- Jamal Shah. (2012). Zia-Ul-Haque and the Proliferation of Religion in Pakistan. *International Journal of Bussiness and Social Science*, 3(21), 310–323.
- Kamali, M. H. (1995). Punishment in Islamic Law: An Enquiry into the Hudud Bill of Kelantan (Issue 1). Institute for Policy Research.
- Kamali, M. H. (1998). Punishment in Islamic Law: A Critique of the Hudud Bill of Kelantan, Malaysia. *Arabic Law Quarterly*, 13(3), 203–234.
- Kamali, Mohammad Hashim. (2003). *Harmonisation of Shariah*. In: *Harmonisation of Shariah and Civil Law*. Kuala Lumpur
- Kamali, Mohammad Hashim. (2007). *Sharīah and Civil Law: Towards a Methodology of Harmonization*, *Islamic Law and Society*, 14(3), pp. 391–420
- Lindsey, T., & Steiner, K. (2016). Islam, The Monarchy and Criminal Law in Brunei: The Syariah Penal Code Order, 2013. *Griffith Law Review*, 25(4), 552–580.
- Martin Lau. (2014). The Re-Islamisation of Legal System. In Rudolph Peters & Peri Bearman (Ed.), *The Ashgate Research Companion to Islamic Law*. Routledge
- Mayer, A. E. (1990). Reinstating Islamic Criminal Law in Libya. In *Law and Islam in the Middle East*. Bergin and Garvey.
- Reza, S. (2013). Due Process in Islamic Criminal Law. *George Washington International Law Review*, 46(1), 1–27.
- Salleh, M. S. (1999). A Comparative Analysis of Kelantan and Terengganu, Political Economy of Development in Malaysia. In *Political Economy Development in Malaysia* (pp. 177–209). Utusan Publications & Distributors.
- Shamrahayu. (2007). Islamic Criminal Law in The Malaysian Federal Structure: A Constitutional Perspective. *IIUM Law Journal*, 15(1).

Shamrahayu. (2017). Realiti Perundangan dalam Pelaksanaan Hudud di Malaysia.

Shamrahayu. (2017a). Pindaan Akta 355: Antara Harapan Dan Realiti. *Jurnal Seminar Kebangsaan Mahkamah Syariah, Cabaran Melestari Masa Hadapan*, 2–34.

Sidahmed, A. S. (2001). Problems in Contemporary Applications of Islamic Criminal Sanctions: The Penalty for Adultery in Relation to Women. *British Journal of Middle Eastern Studies*, 28(2), 187–204.

UNDANG-UNDANG JENAYAH SUMBANG MAHRAM DI MALAYSIA: ANALISIS MENURUT PERSPEKTIF ISLAM

Nur Aina Abdulah ⁱ, Nur Al-Farhain Kamaruzaman ⁱⁱ, & Mashitah Abdul Mutalib ⁱⁱⁱ

ⁱ (Penulis Koresponden). Pensyarah. Fakulti Syariah dan Undang-Undang, Universiti Sains Islam Malaysia.
nuraina.abdulah@usim.edu.my

ⁱⁱ Pensyarah. Fakulti Syariah dan Undang-Undang, Universiti Sains Islam Malaysia.
farhain@usim.edu.my

ⁱⁱⁱ Pensyarah. Fakulti Syariah dan Undang-Undang, Universiti Sains Islam Malaysia.
mashitahmutalib@usim.edu.my

Abstrak

Sumbang mahram atau inses merupakan jenayah yang berat dalam Islam yang mana ia merupakan hubungan seksual terlarang yang dilakukan dengan ahli keluarga terdekat yang mempunyai ikatan darah atau nasab keturunan. Ia merupakan perbuatan terkutuk bukan sahaja dari segi agama dan moral, malah merendahkan martabat manusia setanding haiwan. Permasalahan kajian adalah kes sumbang mahram yang tinggi setiap tahun yang menyebabkan kebimbangan dan rasa tidak selamat, meskipun Malaysia telah mempunyai peruntukan undang-undang khusus berkaitan jenayah ini. Persoalannya, adakah peruntukan undang-undang yang sedia ada tidak cukup mencegah jenayah ini? Oleh itu, kajian ini bertujuan untuk menganalisis undang-undang sumbang mahram di Malaysia dari perspektif syariah. Metodologi kajian kualitatif digunakan dengan reka bentuk analisis kandungan. Hasil kajian mendapati hukuman yang diperuntukkan dalam perundangan Malaysia masih tidak dapat mencegah jenayah ini daripada berleluasa disebabkan ia tidak seberat hukuman yang telah digariskan di dalam syariat Islam.

Kata kunci: *jenayah, rogol, sumbang mahram, zina*

PENGENALAN

Jenayah sumbang mahram di Malaysia adalah jenayah yang berlaku saban tahun dan berada pada tahap yang membimbangkan. Statistik kes sumbang mahram yang dilaporkan dalam tempoh 2018 ke 2020 menunjukkan sebanyak 825 kes telah berlaku di seluruh negeri di Malaysia (Harian Metro, 26 Januari 2021). Menurut kamus, sumbang mahram ditakrifkan sebagai perbuatan zina yang berlaku antara dua orang anggota terdekat dalam sesebuah keluarga (Dewan Bahasa dan Pustaka, t.t). Undang-undang

Kanun Keseksaan, seksyen 376A pula mentakrifkan sumbang mahram sebagai persetubuhan antara lelaki dan perempuan yang mana hubungan tersebut adalah dilarang di sisi undang-undang, hukum agama, adat atau kebiasaan. Manakala, mahram di dalam Islam membawa maksud seseorang yang dilarang (haram) untuk dikahwini sama ada melalui nasab keturunan, penyusuan, dan persemendaan (hubungan kekeluargaan disebabkan perkahwinan) (Al-Nawawī, 1997; Al-Sharbini, 2005). Sabiq (1998) menegaskan bahawa perlakuan sumbang mahram adalah hubungan yang merendahkan martabat kedudukan manusia setanding haiwan. Ia adalah jenayah yang sangat keji dan besar dosanya di sisi Islam.

Kajian tentang sumbang mahram masih lagi terhad disebabkan oleh kesukaran untuk mendapatkan angka kes yang tepat (Mohd Idham Mohd Yusof dll., 2015). Kebanyakan kes sumbang mahram tidak dilaporkan disebabkan mangsa terperangkap dalam dilema, takut berhadapan dengan stigma masyarakat dan masalah kebergantungan ekonomi seperti kes bapa dan anak (Asmida Ahmad & Nur Fazini Asro bt Ramzi Sulaiman, 2017; Salina Nen *dll.*, 2012). Sementara itu, Anis Suhiaza Md Salleh (2010) mendakwa bahawa peruntukan undang-undang berkaitan jenayah sumbang mahram yang terdapat dalam Kanun Keseksaan 376A dan 376B adalah tidak cukup menyeluruh dan menimbulkan kekeliruan di kalangan masyarakat awam. Ini kerana seksyen 376B adalah peruntukan untuk kesalahan sumbang mahram yang dilakukan dengan persetujuan bersama, yang mana tiada mangsa dalam kes ini. Manakala, sekiranya sumbang mahram itu dilakukan tanpa persetujuan atau secara paksa, ia akan disabitkan di bawah hukuman rogol, seksyen 376(3). Malah, peruntukan undang-undang sumbang mahram ini terdapat pertindihan antara Kanun Keseksaan dan Akta Kesalahan Jenayah Syariah di bawah mahkamah Syariah negeri-negeri. Oleh sebab itu, Norbani Mohamed Nazeri (2010) menyatakan konflik pertindihan bidang kuasa ini perlu diselesaikan segera dengan memberikan keutamaan kepada Kanun Keseksaan berdasarkan kepada skop hukuman yang lebih luas berbanding mahkamah Syariah.

Zulfakar Ramlee (2005) mencadangkan hukuman sumbang mahram yang berbentuk sederhana sahaja. Ini kerana sekiranya hukuman yang dikenakan berat, kemungkinan mangsa akan menyembunyikan perbuatan pemangsa, terutamanya dalam kes bapa dan anak, demi untuk menyelamatkan bapanya dan faktor kebergantungan punca pendapatan keluarga. Walau bagaimanapun, Asmida Ahmad & Nur Fazini Asro

bt Ramzi Sulaiman (2017) mencadangkan hukuman yang sangat berat sebagai pengajaran kepada pesalah dan pencegahan kepada masyarakat umum. Manakala, sekiranya ia adalah kes rogol yang melibatkan kekerasan dan ugutan, Shabbir (2004), Azman Mohd Noor (2009), Jamaludin Mustaffa & Kamarudin Ngah (2015), Zulfakar Ramlee (2005), Nik Rahim Nik Wajis (1998) mencadangkan hukuman mati sebagai hukuman paling efektif dalam memberikan pencegahan.

METODOLOGI

Metodologi kajian ini menggunakan pendekatan kualitatif dengan reka bentuk analisis kandungan. Data diperolehi daripada kandungan kitab fiqh turath dan kontemporari, akta-akta perundangan di Malaysia, di samping artikel jurnal yang berkaitan. Ia kemudiannya dianalisis secara tematik mengikut keperluan kajian.

HASIL DAN PERBICANGAN

Undang-undang berkaitan sumbang mahram di Malaysia termaktub dalam dua peruntukan, iaitu; Kanun Keseksaan dan Akta Kesalahan Jenayah Syariah (mengikut negeri-negeri). Pertama, undang-undang berkaitan sumbang mahram mengikut Seksyen 376A dan 376B, Kanun Keseksaan (Akta 574) adalah seperti berikut;

376A. Sumbang mahram

Seseorang itu dikatakan melakukan sumbang mahram jika seorang lelaki atau seorang perempuan melakukan persetubuhan dengan orang lain di mana hubungan lelaki dan perempuan itu adalah tidak dibenarkan, di bawah undang-undang, hukum agama, adat atau kebiasaan yang berkait bagi lelaki dan perempuan tersebut, untuk berkahwin dengan orang lain.

376B. Hukuman bagi sumbang mahram

- (1) Barangsiapa yang melakukan sumbang mahram hendaklah dihukum dengan pemenjaraan selama tempoh tidak kurang dari sepuluh tahun dan tidak lebih daripada tiga puluh tahun, dan hendaklah juga dikenakan sebatan.
- (2) Ianya hendaklah menjadi pembelaan kepada tuduhan terhadap seseorang di bawah seksyen ini sekiranya dibuktikan :-

- (a) Bahawa lelaki atau perempuan itu tidak mengetahui bahawa orang yang lelaki atau perempuan itu mengadakan persetubuhan itu adalah seseorang yang hubungan dengannya adalah tidak dibenarkan di bawah undang-undang, hukum agama, adat atau kebiasaan yang berkaitan bagi lelaki atau perempuan tersebut untuk berkahwin dengan orang itu; atau
- (b) Bahawa perbuatan persetubuhan telah dilakukan tanpa persetujuan lelaki atau perempuan itu.

Berdasarkan kepada akta di atas, hukuman minimum yang diperuntukkan adalah mandatori sepuluh tahun penjara dan sebatan. Hukuman ini sebenarnya telah dinaikkan dari minimum enam setelah pindaan dibuat. Seksyen ini adalah terpakai bagi kesalahan sumbang mahram yang dilakukan dengan kerelaan (tanpa paksaan) kedua-dua pihak lelaki dan perempuan. Manakala, sekiranya sumbang mahram ini dilakukan dengan paksaan atau dengan kata lain 'rogol', maka, kesalahan ini akan menggunakan Akta 376(3) yang memperuntukkan hukuman minimum adalah mandatori lapan tahun penjara dan sepuluh sebatan.

Kedua, peruntukan undang-undang yang terdapat dalam Akta Kesalahan Jenayah Syariah negeri-negeri. Berikut adalah salah satu contoh akta yang terdapat dalam Seksyen 20, Akta 559, Kesalahan Jenayah Syariah (Wilayah-wilayah Persekutuan) 1997, Bahagian IV- Kesalahan yang berhubungan dengan kesusilaan:

Seksyen 20. Perbuatan Sumbang Mahram

Mana-mana orang yang melakukan perbuatan sumbang *mahram* adalah melakukan suatu kesalahan dan apabila disabitkan boleh didenda tidak melebihi lima ribu ringgit atau dipenjarakan selama tempoh tidak melebihi tiga tahun atau disebat tidak melebihi enam sebatan atau dihukum dengan mana-mana kombinasi hukuman itu.

Berdasarkan kepada akta di atas, hukuman yang diperuntukkan bagi kesalahan sumbang mahram adalah hukuman maksimum yang boleh dikenakan oleh Mahkamah Syariah mengikut Akta 355, Mahkamah Syariah (Bidang Kuasa Jenayah) 1965. Disebabkan masalah bidang kuasa yang terhad dalam mahkamah syariah, maka, kebanyakan kes sumbang mahram akan dibawa ke mahkamah di bawah persekutuan.

Sementara itu, hasil analisis terhadap literatur syariah dalam kitab-kitab Fiqh turath dan kontemporer mendapati bahawa para fuqaha' berbeza pendapat tentang hukuman bagi kesalahan sumbang mahram. Pendapat pertama, fuqaha' dari mazhab Hanafi, Maliki dan Syfi'e mengatakan bahawa hukumannya adalah sama seperti hukuman zina (Ibn Qudamah, 2009), iaitu sebatan sebanyak seratus kali bagi pesalah *ghair muhsan* (belum berkahwin) dan rejam sehingga maut bagi pesalah *muhsan* (sudah berkahwin). Dalil hukuman sebatan kepada pesalah zina *ghair muhsan* berdasarkan kepada ayat al-Quran seperti berikut:

الرَّانِيَةُ وَالرَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ ۖ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ وَلِيَشْهَدَ عَذَابُهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ

Maksudnya: “Perempuan yang berzina dan lelaki yang berzina, hendaklah kamu sebat tiap-tiap seorang dari keduanya seratus kali sebat; dan janganlah kamu dipengaruhi oleh perasaan belas kasihan terhadap keduanya dalam menjalankan hukum agama Allah, jika benar kamu beriman kepada Allah dan hari akhirat; dan hendaklah disaksikan hukuman seksa yang dikenakan kepada mereka itu oleh sekumpulan dari orang-orang yang beriman” (Surah al-Nur, 24:2).

Manakala, dalil hukuman rejam kepada pesalah zina *muhsan* pula adalah berdasarkan kepada hadis Nabi(ﷺ) seperti berikut:

عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ " وَاعْدُ يَا أُنَيْسُ إِلَى امْرَأَةٍ هَذَا، فَإِنْ اعْتَرَفَتْ فَارْجُمُهَا "

Maksudnya: “Wahai Unais, pergilah kepada isteri lelaki ini, sekiranya dia mengaku bersalah (melakukan zina), maka rejamlah dia” (Al-Bukhārī, 2001).

Pendapat kedua pula, Ibn Hazm (2004) dari mazhab Hanbali dan fuqaha' kontemporer, Zaidan (2000) dan Sabiq (1998), mengatakan bahawa pesalah sumbang mahram hendaklah dihukum bunuh dan dirampas hartanya serta diserahkan kepada baitul mal (institusi kewangan awam orang Islam) sama ada statusnya *muhsan* atau *ghair muhsan*. Dalil hukuman bunuh dan serahan harta ini berdasarkan kepada hadis Nabi(ﷺ) seperti berikut:

قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " مَنْ وَقَعَ عَلَى ذَاتِ مَحْرَمٍ فَأَقْتُلُوهُ "

Maksudnya: “Sesiapa yang melakukan hubungan seksual bersama mahramnya, maka hendaklah dibunuh” (Ibn Majah, 1999)

حَدَّثَنَا عَمْرُو بْنُ قُسَيْطٍ الرَّقِّيُّ، حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ عَمْرٍو، عَنْ زَيْدِ بْنِ أَبِي أَنْبَسَةَ، عَنْ عَدِيِّ بْنِ ثَابِتٍ، عَنْ يَزِيدَ بْنِ الْبَرَاءِ، عَنْ أَبِيهِ، قَالَ لَقِيتُ عَمِّي وَمَعَهُ رَايَةٌ فَقُلْتُ لَهُ أَيْنَ تُرِيدُ قَالَ بَعَثَنِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَى رَجُلٍ نَكَحَ امْرَأَةً أَبِيهِ فَأَمَرَنِي أَنْ أَضْرِبَ عُنُقَهُ وَأَخَذَ مَالَهُ .

Al-Barra Bin `Azib berkata: Saya telah bertemu dengan pakcik saya dan dia memegang panji, lalu saya bertanya kepadanya: "Ke manakah pakcik hendak pergi?" Maka, dia menjawab: "Aku telah diutuskan oleh Nabi Muhammad menuju kepada seorang lelaki yang berkahwin dengan isteri bapanya untuk dihukum bunuh dan dirampas hartanya" (Al-Nasa'i, 2000; al-Tirmidhi, 2011).

Walaupun bagaimanapun, perlu dijelaskan bahawa dalam Islam, sekiranya perbuatan sumbang mahram itu dilakukan dengan paksaan atau rogol, hanya pesalah sahaja yang akan dikenakan hukuman. Maka, melihatkan kepada dalil dan penghujahan kedua-dua pendapat para fuqaha' di atas, penulis lebih cenderung untuk memilih pendapat kedua, iaitu hukuman bunuh ke atas pesalah sumbang mahram. Ini adalah kerana hukuman tersebut mampu mencegah jenayah tersebut sama ada kepada diri pesalah, mahupun masyarakat umum. Hukuman tersebut dilihat dapat memberikan pengajaran dan menjaga kemaslahatan awam sesuai dengan kes-kes sumbang mahram yang tinggi dilaporkan dewasa ini.

KESIMPULAN

Jenayah sumbang mahram merupakan kesalahan yang terkutuk dan sangat keji di sisi moral, apatah lagi agama. Oleh itu, peruntukan undang-undang berkaitan hukuman sumbang mahram ini perlulah suatu hukuman yang sangat berat bagi menggambarkan kejahatannya sepertimana yang digariskan dalam Islam. Hukuman sedia ada dalam peruntukan undang-undang yang termaktub dalam Kanun Keseksaan, apatah lagi Akta Kesalahan Jenayah Syariah negeri, masih tidak cukup untuk mencegah dan menjadi pengajaran kepada penjenayah itu sendiri, mahupun masyarakat umumnya.

RUJUKAN

Al-Quran

Akta 559, Kesalahan Jenayah Syariah (Wilayah-wilayah Persekutuan) 1997.

- Al-Bukhārī, Muhammad bin Ismail (2001). *Ṣaḥīḥ Al-Bukhārī*. Damascus, Syria: Dar Tauq Al-Najah.
- Al-Nasa'i, Ahmad bin Shuaib bin Ali (2000). *Sunan Al-Nasa'i*. Riyadh, Saudi Arabia: Dar al-Salam.
- Al-Nawawī, Muhyiddin Yahya bin Sharaf (1997). *Al-Majmu` Sharh Al-Muhazzab*. Beirut, Lubnan: Dar al-Minhaj.
- Al-Sharbini, Muhammad Ahmad Al-Khatib (2005). *Mughnī al-Muḥtāj ilā Ma`rifah Alfāz al-Minhāj*. Cairo, Egypt: Dar al-Nahdah al-`Arabiah.
- Asmida Ahmad, & Nur Fazini Asro bt Ramzi Sulaiman. (2017). *Consensual Incest: The Legal Environment in Malaysia*. International Journal for Studies on Children, Women, Elderly and Disabled, 1(1990), 9–15.
- Anis Suhiaza Md Salleh. (2010). *Elemen Persetujuan dalam Kesalahan Sumbang Mahram di Malaysia: Satu Analisa*. Malayan Law Journal Articles, 1, 1–6.
- Azman Mohd Noor. (2009). *Punishment for Rape in Islamic Law*. Malayan Law Journal Articles, 5(cxiv), 1–9.
- Jamaludin Mustaffa, & Kamarudin Ngah. (2015). *Jenayah Rogol, Isu dan Penyelesaian*. Sintok, Kedah: Universiti Utara Malaysia (UUM).
- Ibn Hazm, Abu Abdullah Ali bin Ahmad bin Sai'ed (2004). *Al-Muhalla bi al-Athar*. Beirut, Lubnan: Dar al-Kutub al-`Ilmiah.
- Ibn Majah, Muhammad bin Yazid Al-Rabi`i (1999). *Sunan Ibn Mājah*. Riyadh, Saudi Arabia: Dar al-Salam.
- Ibn Qudamah, Abdullah Ahmad Muhammad (2009). *Al-Mughni*. Beirut, Lubnan: Dar al-Kutub al-`Ilmiah.
- Mohd Idham Mohd Yusof, Nasreen Miza Hilmy, Hazariah Yais Razali, & Jeniwaty Mohd Judy. (2015). *Social Stigma of Incest in Malaysia*. International Academic Research Journal of Social Science, 1(2), 112–117.
- Nik Rahim Nik Wajis. (1998). *Jenayah Rogol di dalam Undang-undang Islam*. Jurnal Syariah, 6, 73–80.

Norbani Mohamed Nazeri. (2010). *Criminal Law Codification and Reform in Malaysia : An Overview*. Singapore Journal of Legal Studies.

Sabiq, Sayyid (1998). *Fiqh al-Sunnah*. Beirut, Lubnan: Dar al-Fikr.

Salina Nen, Fauziah Ibrahim, Suzana Mohd Hoesni, & Zaizul Abdul Rahman. (2012). *Kajian Kes Inses Bapa-Anak Perempuan: Memahami Pengalaman dari Perspektif Mangsa*. Journal of Social Sciences and Humanities, 7(1), 46–58.

Shabbir, M. (2004). *Outlines of Criminal Law and Justice in Islam*. Petaling Jaya, Malaysia: International Law Book Service.

Undang-undang Malaysia, Akta 574, Kanun Keseksaan.

Zaidan, Abdul Karim (2000). *Al-Mufaṣṣal fi Ahkām al-Mar’ah wa al-Bait al-Muslim*. Beirut, Lubnan: Resalah Publisher.

Zulfakar Ramlee, Mohd Hisham Mohd Kamal (2005). *Kesalahan Rogol dan Sumbang Mahram dari Sudut Pembuktian dan Hukumannya menurut Undang-undang Islam*. Jurnal Undang-Undang.

MENERAPKAN BUDAYA KEUSAHAWANAN ISLAM DALAM KALANGAN PELAJAR KOLEJ GENIUS INSAN

Widad Jazman ⁱ, Hajar Hamid ⁱⁱ, Hazwani Azwan ⁱⁱⁱ, Danish Danial Zulkifli ^{iv}, Aileen Adeline Chew ^v, Iman Haniz ^{vi}, Clarissa Sharifuddin ^{vii} & Rossidi Usop ^{viii}

^{viii} (*Penulis Koresponden*). Pensyarah. Kolej Genius Insan, Universiti Sains Islam Malaysia.
rossidi@usim.edu.my

Abstrak

Keusahawanan Islam melibatkan bidang strategik yang melibatkan etika, motivasi, dan inovasi dalam melahirkan usahawan Muslim yang berjaya dan beragama. Keusahawanan dikenal pasti sebagai pemangkin yang berpotensi tinggi dalam membangunkan ekonomi negara. Islam menggalakkan umatnya untuk melibatkan diri secara aktif dalam bidang keusahawanan kerana ia akan membantu mereka meningkatkan taraf ekonomi mereka sendiri. Kertas kerja ini menekankan pemahaman dan pelaksanaan budaya keusahawanan di Kolej GENIUS Insan dan justifikasinya terhadap kepentingan membina kerangka teori bagi program pengayaan yang mengintegrasikan ilmu Ilqa' Abqari untuk pelajar pintar dan berbakat Kolej GENIUS Insan, Universiti Sains Islam Malaysia.

Kata kunci: *Keusahawanan Islam, etika, motivasi, inovasi*

PENGENALAN

Kolej Genius Insan adalah sebuah institusi pelajaran sebagai pembantu khas bagi pelajar pintar, berbakat Malaysia Muslim yang berumur 13-17 tahun, program ini bertujuan untuk menjana intelektual Muslim di masa hadapan. Fasiliti yang disediakan dalam persekitaran memupuk pengetahuan yang efektif dan mempunyai impak yang ke atas pengajar dan pembelajaran. Integrasi Ilqa' Abqari dilaksanakan melalui pecutan metodologi pendidikan dan penyelidikan, pengkayaan bersepadu dan pintar pelajar berbakat berlandaskan Islam.

Merujuk kepada Francoys Gagne seorang profesor di Universite du Quebec a Montreal, Kanada, yang memperkenalkan Model "Differentiated Model of Giftedness and Talent (DMGT)," beliau memberikan definisi berikut

Pintar: "Giftedness" merujuk kepada seseorang yang berjaya berbakat cemerlang dalam bidang bakat pada peringkat tertentu (Gagne, 2003: 60). Orang pintar adalah individu yang berbakat. Seorang yang berbakat tidak disahkan genius. Banyak faktor mempengaruhi cara seseorang menjadi pintar, berbakat (Gagne, 2003: 60). Seseorang yang dianggap bijak dalam sesuatu bidang adalah seorang yang berbakat dan cemerlang dalam bidangnya.

Berbakat: "Berkakat" merujuk kepada seseorang yang berpotensi untuk cemerlang dalam bidang tertentu sama ada dalam bidang akademik atau bukan akademik. Menurut Gagne, seorang lelaki berbakat dalam bidang tertentu apabila dia menunjukkan potensinya dalam bidang tersebut. Kadangkala pencapaian dalam bidang tersebut belum terbukti cemerlang (Gagne, 2003: 60).

Intelligent Talented: "Berkakat dan berbakat" (GAT) kategori umum yang merangkumi semua jenis bakat atau kecerdasan di kalangan individu. GAT sentiasa berubah mengikut situasi dan persekitaran. Ada kalanya persekitaran akan menyumbang kepada perkembangan individu yang pintar, berbakat (talented) daripada keadaan asalnya yang dikenali sebagai berbakat (Mohd Zuri, Suzana, 2012).

Berdasarkan fakta di atas, agak menarik untuk diteliti sama ada kurikulum pengayaan yang ada pada hari ini sebenarnya mampu melahirkan usahawan Muslim yang berjaya dan beragama. Jika benar kemungkinan ini, kerja yang dilakukan setakat ini bermakna terhadap pemprosesan pengayaan konvensional sahaja. Artikel ini cuba menjawab semua soalan ini. Kertas kerja ini menekankan tentang pemahaman dan pelaksanaan budaya keusahawanan di Kolej GENIUS Insan serta justifikasinya terhadap kepentingan membina kerangka teori program pengayaan yang mengintegrasikan ilmu Ilqa'Abqari untuk pelajar pintar dan berbakat Kolej GENIUS Insan, Universiti Sains Islam Malaysia.

1. KEUSAHAWANAN DARI PERSPEKTIF ISLAM

Perenggan Dalam Islam, tidak ada pemisahan antara aktiviti keusahawanan dengan agama. Islam mempunyai ciri-ciri keusahawanan dan prinsip panduan yang tersendiri

berdasarkan al-Quran dan al-Hadis untuk memandu operasi keusahawanan (Faizal, Ridhwan, dan Kalsom, 2013:191). Usahawan Islam menjalankan aktiviti keusahawanan bukan semata-mata untuk mengaut keuntungan, tetapi untuk menunaikan “fardhu kifayah”.

Menurut Oxford Dictionary of Islam online (2015), Fard al-Kifayah "fardu kifayah", ditakrifkan sebagai kewajiban bersama dalam doktrin perundangan Muslim. Berdampingan dengan fardu al-ayn, fardhu al-kifayah ialah kewajiban hukum yang mesti ditunaikan oleh masyarakat Islam keseluruhannya, seperti perjuangan ketenteraan; Jika cukup ahli dalam masyarakat Islam menunaikan kewajiban, umat Islam yang tinggal dibebaskan daripada tanggungjawab di hadapan Tuhan. Walau bagaimanapun, jika kewajiban bersama tidak dilaksanakan secukupnya, maka setiap individu Muslim mesti bertindak untuk menangani kekurangan tersebut. Dalam kesusasteraan Islam terkini, istilah ini digunakan untuk membincangkan tanggungjawab sosial, seperti memberi makan orang yang lapar, menyuruh kepada kebaikan, dan melarang kemungkaran.

Islam adalah salah satu agama yang menggalakkan manusia untuk menjadi seorang usahawan. Allah berfirman, yang bermaksud:

“Wahai orang-orang yang beriman! Janganlah kamu memakan harta sesama kamu dengan jalan yang haram; tetapi berniaga dengan persetujuan bersama. “[An-Nisaa (4): 29]”

Sebagai seorang usahawan, kita mempunyai tanggungjawab untuk melaksanakan ibadah dan menjadi khalifah. Usahawan Muslim harus mencari rahmat Allah di atas semua faktor lain. Muslimpreneur mempunyai ciri-ciri tersendiri seperti berikut:

1.1 Taqwa (Ibadah kepada Allah sangat diutamakan)

Taqwa bermaksud ibadah hanya kepada Allah sebagai rangka untuk menjadi usahawan Muslim yang berjaya di dunia dan di akhirat. Allah berfirman:

“Hai orang-orang yang beriman, sukakah kamu Aku tunjukkan suatu perniagaan yang dapat menyelamatkanmu dari azab yang pedih? (Iaitu) kamu beriman

kepada Allah dan Rasul-Nya dan berjihad di jalan Allah dengan harta dan jiwa kamu. Itulah yang lebih baik bagi kamu, jika kamu mengetahui [Al-Saff. (61): 10-11]"

Sadeq (1977) menegaskan bahawa keusahawanan dalam Islam dipandang tinggi, dan dengan tegas berhujah bahawa Islam menyediakan bukan sahaja insentif tetapi juga rangka kerja yang kondusif untuk pembangunan ekonomi dan keusahawanan. Hujah beliau adalah berdasarkan tafsiran ayat al-Quran dan banyak hadis Nabi Muhammad SAW. Allah SWT berfirman:

"Apabila telah ditunaikan shalat, maka bertebaranlah kamu di dunia dan carilah kurnia Allah." (Al-Jumu'ah [62]: 10)

1.2 Mengamalkan Nilai Moral yang Tinggi

Al-Qur'an dan "sunnah" Nabi Muhammad SAW secara eksplisit memuji keusahawanan dan memuji aktiviti keusahawanan yang bermoral seperti penghapusan riba. Diriwayatkan oleh Sayyidna 'Ali r.u bahawa Nabi Muhammad SAW telah bersabda, "Setiap pinjaman yang mendatangkan faedah (kepada pemiutang) adalah riba." Hadis ini diriwayatkan oleh Harits ibn Abi Usamah dalam Musnadnya. (Usmani, ayat 99). Seorang usahawan Muslim, hendaklah ikhlas, jujur dan bertawakal kepada janji Allah dalam mengamalkan etika perniagaan Islam bagi memperoleh taqwa dan mencapai tahap akhlak yang tertinggi (Usop, Zainol, & Muhamad, 2018). Allah juga berfirman dalam al-Quran yang bermaksud:

"Tetapi Allah telah menghalalkan jual beli dan mengharamkan riba." (Al-Baqarah: 275)

1.3 Boleh dipercayai

Nabi Muhammad SAW dan ramai sahabat karibnya merupakan usahawan yang amanah dan berjaya. Beliau secara eksplisit menekankan kepentingan keusahawanan dan menggalakkan umat Islam mengambil bahagian secara aktif dalam perniagaan dan aktiviti keusahawanan. Diriwayatkan oleh Hudzaifah bahawa Nabi bersabda:

Pernah seorang lelaki meninggal dunia dan ditanya: "Apa yang anda gunakan untuk mengatakan (atau melakukan) (dalam masa hidup anda)?" Beliau

menjawab, "Saya seorang ahli perniagaan dan pernah memberi masa kepada orang kaya untuk membayar hutangnya dan (biasa) memotong sebahagian daripada hutang orang miskin." Maka diampuni (dosanya). Abu Mas'ud berkata: "Saya mendengar (Hadis) yang sama dari Nabi". (Bukhari. Sahih Bukhari. Jilid 3, Kitab 41:576).

Transaksi ekonomi jual beli untuk mendapatkan keuntungan membayangkan kewujudan usahawan. Abu Saed meriwayatkan bahawa Nabi bersabda:

Pedagang yang jujur dan amanah bersama Nabi (SAW) orang-orang yang benar dan orang-orang yang mati syahid (pada hari kiamat) (Al-Tirmidzi. Kitab 14:1213).

1.4 Pengetahuan dan kemahiran

Ayat-ayat al-Quran pertama yang diturunkan kepada Nabi Muhammad SAW menunjukkan kepentingan ilmu dalam Islam. Allah berfirman:

Dabarkan! (atau baca!) Dengan nama Tuhanmu dan Pemelihara, yang menciptakan-; Menciptakan manusia, daripada segumpal (hanya) darah beku; Dabarkan! dan Tuhan itu Maha Pemurah; Dia yang mengajar (menggunakan) pena; Mengajar manusia apa yang tidak diketahuinya. [Al-Alaq. (96): 1-5]

Nabi Muhammad SAW juga komited terhadap pendidikan bagi memastikan kepentingan ilmu dan menekankan risiko mengabaikannya. Baginda SAW khususnya menggalakkan umatnya untuk mendapatkan ilmu agama dan undang-undang. Baginda SAW mengajar pengikutnya bahawa sahabatnya yang berpendidikan mengajar orang jahil, dan ramai pengikutnya semasa dan selepasnya yang mengikuti sikap berkongsi ilmu ini adalah usahawan yang berjaya, yang memainkan peranan penting keusahawanan dalam masyarakat lain di luar Arab (Faizal, Ridhwan, dan Kalsom, 2013:194).

2. MENANAMKAN BUDAYA KEUSAHAWANAN DI KOLEJ GENIUS INSAN, USIM

Pensyarah hendaklah memainkan peranan penting dalam memberi pendedahan awal dan galakan untuk pelajar tentang bidang keusahawanan. Pada masa kini, keusahawanan dilihat sebagai suatu bidang yang mampu meningkatkan kebolehan seseorang dari segi ketahanan, daya persaingan, kreativiti dan sebagainya untuk bersaing dalam pemasaran global ketika mereka mula-mula memasuki dunia pasaran kerja (Mohd Hamzah, 2010).

Selaras dengan pembelajaran unik dan matlamatnya untuk meningkatkan keupayaan pelajar ke tahap yang lebih tinggi, GENIUS Insan telah menganjurkan program kemahiran insaniah selama 40 hari pada setiap permulaan suatu pembelajaran di Kolej Genius Insan yang dipanggil Personality Empowered Program (PPP) sebagai sebahagian daripada aktiviti kurikulum. Program ini dijalankan selama 40 hari untuk mengamalkan sunnah daripada hadis Rasulullah SAW yang bermaksud "Sesiapa yang mengerjakan solat berjemaah kerana Allah SWT dengan memperolehi takbiratul-ula selama empat puluh hari (40 hari) akan mendapat dua pelepasan iaitu pelepasan daripada api nereka dan pelepasan daripada sifat munafik"

Program ini bertujuan untuk mendedahkan kepada pelajar-pelajar tentang pelajaran sains melalui kaedah perancangan sistematik pintar berbakat sebagai penambahbaikan untuk penduduk di GENIUS Insan. Melalui program ini, pelajar akan didedahkan tentang kemahiran insaniah yang merangkumi aspek kemahiran generik yang melibatkan elemen kognitif yang berkait dengan kemahiran di luar bilik darjah seperti nilai positif, kepimpinan, kerja berkumpulan, komunikasi dan pembelajaran berterusan. Berdasarkan modul-modul ini, terdapat tujuh kemahiran generik yang telah dijadikan rujukan oleh IPT di Malaysia iaitu kemahiran berkomunikasi, pemikiran kritis dan kemahiran menyelesaikan masalah, kemahiran bekerja dalam kumpulan, pelajaran dan pegurusan maklumat, kemahiran keusahawanan, etika profesional dan moral serta kemahiran kepimpinan.

Kelab Keusahawanan juga telah ditubuhkan di kolej untuk mengaplikasikan elemen mereka bentuk, melancarkan dan mengendalikan perniagaan kecil di sekolah. Hasilnya, pelajar dapat mengaplikasikan sikap terpuji yang ada pada diri Rasulullah SAW dan sahabatnya ketika memulakan sesebuah perniagaan.

Terdapat satu peranan yang sangat penting di kalangan kebanyakan kemahiran generik. Menurut Deraman et al. (2007), keusahawanan adalah suatu bidang yang sangat penting untuk memastikan pembangunan sesebuah negara. Keusahawanan adalah suatu bentuk disiplin yang menjadi asas kepada pembangunan dan pertumbuhan ekonomi dan masyarakat yang mempunyai usahawan-usahawan terbaik dengan bilangan tertinggi. Tidak dinafikan lagi bahawa bidang keusahawanan ini memainkan peranan dalam ekonomi dunia di mana usahawan adalah panduan untuk pertumbuhan ekonomi dan mewujudkan pekerjaan. Yang demikian telah ditunjukkan apabila Soft Skills Module (2006) yang dibuat oleh Kementerian Pendidikan Malaysia (KPM) untuk pelajar daripada institusi pengajian tinggi (IPTA) negara yang menerapkan aspek keusahawanan sebagai salah satu aspek kemahiran insaniah untuk dikuasai oleh para graduan (Mohd Hamzah, 2010).

Institusi Pengajian Tinggi di Malaysia sudah melaksanakan Program Keusahawanan untuk menyemai dan mendedahkan kepada pelajar tentang apa itu nilai dan kemahiran keusahawanan, iaitu aspek kepimpinan, inovasi, kreativiti, daya ketahanan, daya persaingan, berdikari, jangkakan risiko dan kebolehan untuk mengenal pasti dan cipta peluang (mengenalpasti dan mencipta peluang).

Untuk melahirkan pelajar yang berkemampuan dan matang, peranan pensyarah dan pentadbir kolej sangatlah diperlukan. Pensyarah perlu memainkan peranan penting dalam menyampaikan kandungan pengajaran melalui kaedah mengajar yang berkesan seperti kemahiran berfikir, pembentangan lisan, kemahiran diagnostik, kerja berkumpulan, kajian kes, penyelesaian masalah, perbincangan, simulasi, mainkan peranan dan kaedah arahan sendiri (kaedah pengajaran individu). Kesemua teknik mengajar ini amatlah efektif kerana ia melibatkan pelajar serta bakat kepimpinan yang tersedia ada dalam diri mereka. Ia boleh melahirkan pelajar yang lebih berani, kreatif dan inovatif.

Walau apapun jenis program untuk melaksanakan konsep keusahawanan, sama di peringkat sekolah, lepasan sekolah, lulusan daripada institusi pengajian tinggi serta untuk usahawa sedia ada, penilaian perlu dibuat supaya hasilnya dapat dilihat.

3. INTEGRASI ILMU ILQA' ABQARI DALAM PROSES PENGAJARAN DAN PEMBELAJARAN

Menurut Kamus Oxford (2005: 900), integrasi ditakrifkan sebagai "satu proses penggabungan atau pengumpulan yang menjadikan satu perkara daripada dua atau lebih perkara." Ia adalah satu proses yang menggabungkan atau mengumpul untuk menghasilkan satu bahagian daripada dua atau lebih objek. Integrasi ilmu Ilqa' Abqari melibatkan gabungan ilmu-ilmu Islam seperti al-Quran, Hadis, dan teks cendekiawan yang berkaitan dengan sains konvensional seperti matematik, sains dan sains sosial. Tujuannya adalah untuk memastikan integrasi sains Islam dan sains konvensional diambil daripada sumber yang betul untuk dipelajari dan diamalkan

Pengajaran pula bermaksud sesuatu tugas dan aktiviti yang dilaksanakan secara bersama oleh guru dan murid. Pengajaran direka oleh guru secara sistematik menggunakan kaedah dan teknik yang sesuai untuk mewujudkan persekitaran yang membolehkan proses pembelajaran. Pembelajaran adalah proses interaksi pelajar dengan pendidik kepada proses pemerolehan pengetahuan atau kemahiran atau pembentukan sikap dan kepercayaan kepada pelajar (Noor Hisham, 2011: 4). Dari sini, dapat disimpulkan matlamat integrasi yang dilakukan dalam proses pengajaran dan pembelajaran (P&P) adalah untuk memastikan sains Islam dan sains konvensional diajar oleh pendidik kepada para pelajar diambil dari sumber yang betul untuk dipelajari dan diamalkan.

Prof. Dr. Sidek Baba (2004), berpendapat bahawa pendekatan bersepadu dalam pendidikan perlu dijadikan asas untuk mengambil kesempatan daripada trend tersebut berbanding (faktor perbandingan) dari Barat dan Timur bukan untuk menghakis jati diri bangsa yang telah lama dibina atas asas pembangunan yang seimbang. Tanpa keazaman untuk menjadikan agama dan tamadun murni sebagai rangka kerja untuk menyokong integrasi, globalisasi adalah gelombang yang akan merosakkannya. Ini merupakan cabaran terbesar dalam proses integrasi sains dan pendidikan sebagai benteng menghadapi cabaran globalisasi. Gejala sosial adalah tanggapan remaja yang berkembang pesat bahawa generasi akan datang akan menjadi liabiliti kepada negara.

Dalam Islam, ilmu diperoleh daripada dua sumber utama iaitu al-Quran dan as-Sunnah. Dari Abu Hurairah ra, Nabi Muhammad saw bersabda;

“Aku tinggalkan kepada kamu dua perkara dan kamu tidak akan sesat selagimana kamu berpegang dengannya iaitu kitab Allah (al-Qur’an) dan sunnah Nabi-Nya (Sunnah Nabi SAW).” (Hadis Riwayat Imam Malik)

Imam al-Suyuti menyebut dalam al-Itqan fi 'Ulum al-Quran bahawa al-Quran sebagai sumber ilmu dan penerokaan pelbagai sumber ilmu (Adnan, 2015: 19). “Sesungguhnya kitab kami Al-Quran adalah ledakan ilmu dan ilmu tentang sumber air, dan ia juga mengorbit matahari dan sumber ilmu dan Allah menerangkan kepadanya petunjuk dan kesesatan, dan kamu akan melihat setiap ahli sains mengambil Al-Quran dan bersandar kepadanya.

Begitu juga al-Sunnah, Sayyidatina Aisyah menggambarkan Nabi Muhammad melalui sabdanya yang bermaksud "Akhlak Nabi SAW adalah al-Quran." (Hadis Riwayat Muslim). Seluruh kehidupan Nabi Muhammad ialah sebagai gambaran yang mewakili al-Quran (Adnan, 2015: 19). Justeru, wajib bagi setiap umat Islam untuk mencontohi Nabi Muhammad sebagai teladan. Allah berfirman, yang bermaksud:

"Sungguh, telah ada pada (diri) Rasulullah itu suri teladan yang baik bagimu (iaitu) bagi orang yang mengharap (rahmat) Allah dan (kedatangan) hari Kiamat dan yang banyak mengingat Allah. " [Al-Ahzab (33): 21]

4. STATUS TERKINI KONSEP, TEORI, MODEL DAN PENDEKATAN INTEGRASI ILQA' ABQARI

Teori pendapatan, model atau pendekatan pengayaan kurikulum Islam dalam pendidikan diakui sangat terhad. Selain model integrasi Ilqa' Abqari di USIM, terdapat beberapa lagi idea yang pernah dikonsepskan dan digambarkan oleh pemikir Islam dahulu. Model-model tersebut walaupun tidak dijulung oleh pengasasnya sebagai model integrasi, tetapi bagi Muhammad Iqbal, pemikir, penyair dan pembaharu dalam

pendidikan pada awal abad ke-20 dari India, menganggap model tersebut boleh diklasifikasikan sebagai model integrasi (A. Irwan, 2015: 57).

Idea Islamisasi sains moden mempunyai pelbagai kaedah atau model seperti pendekatan al-Attas, al-Faruqi, al-Alwani, Alparslan Acikgenc, Osman Bakar, Shaharir, Bucaille, IFIAS, resume, HUMAN, Aligargh, Ideas Islamization of Knowledge (IIUM) dan banyak lagi. Setiap daripada mereka mempunyai hujah, kekuatan dan kelemahan (Noor Hisham, 2015). Tetapi model pendidikan sedia ada masih belum diterima pakai sepenuhnya dan menimbulkan pelbagai isu seperti penyediaan penerimaan pelajar, pensyarah, kekurangan bahan dan buku teks yang mengandungi unsur-unsur Islamisasi dikatakan adalah halangan utama pelaksanaan proses integrasi sains (A. Irwan, 2015: 67).

5. RANGKA KERJA UNTUK PENGETAHUAN INTEGRASI ILMU NAQLI AQLI, USIM

Rangka kerja ini telah menyediakan kerangka dasar yang sangat komprehensif untuk diaplikasikan dalam program pengayaan kurikulum Islam di Kolej GENIUS Insan. Oleh itu, program pengayaan ini diyakini mampu mencapai objektifnya di samping menjadikan proses pembelajaran lebih menarik dan bermakna (Rosadah dan Norsheila, 2014: 216).

Perenggan 2 Dalam Majlis Perutusan Tahun Baharu 2014 oleh Naib Canselor Profesor Dato 'Dr. Asma Ismail, beliau menyelaraskan Pelan Strategik USIM untuk memperkukuh agenda integrasi Ilqa' Abqari di semua Pusat Tanggungjawab (RC) di USIM. Integrasi Ilmu berasaskan model bersepadu dan Aqli Naqli ini diperkenalkan oleh USIM.

Melalui visi USIM iaitu "Mengintegrasikan Ilqa' Abqari untuk mentransformasi dan menjana nilai kepada negara, bangsa dan kemanusiaan", dan misinya yang "Bertekad menjadi sebuah institusi yang berteraskan sains maju dan pengajian Islam di barisan hadapan sains baharu yang menggunakan teknologi terkini untuk

menghasilkan inovasi yang mampu mentransformasikan negara, bangsa dan umat manusia”, USIM berazam menjadikan integrasi pelbagai disiplin sebagai agenda utamanya. Terdapat aplikasi kerangka utama sains dalam kurikulum yang melibatkan semua disiplin. Walau bagaimanapun, masih terdapat bidang ilmu yang sukar untuk diintegrasikan dengan fleksibiliti kepada sains adalah dengan hanya berhujah dengan mana-mana perenggan atau teks agama (A.Irwan, 2015: 69). Rangka kerjanya adalah:

5.1 Mustawa 1: Ayatisasi

Ayatisasi bermaksud petikan pengambilan yang merujuk kepada ajaran asas Islam iaitu Al-Quran, Hadis dan kitab-kitab Turath yang dimuliakan, tafsir, manuskrip Islamik dan sebagainya.

5.2 Mustawa 2: Perbandingan

Perbandingan purata integrasi aplikasi melalui perbezaan dan persamaan antara sains Islam (Naqli) dan sains konvensional (Aqli).

5.3 Mustawa 3: Adaptasi

Adaptasi bermaksud proses memilih, menapis, mengubah suai dan mengaplikasi mana-mana prinsip dan nilai, serta rangka kerja yang tidak bercanggah dengan Islam.

5.4 Mustawa 4: Integrasi

Integrasi bermaksud mengintegrasikan dan mengaplikasikan pelbagai disiplin yang menghasilkan kurikulum yang holistik. Integrasi boleh dilakukan melalui tiga cara iaitu:

1. Penerapan nilai-nilai Islam yang berterusan dalam pengajaran dan pembelajaran
2. Tugas aktiviti pengajaran dan pembelajaran ke arah pandangan Islam yang cemerlang melalui kerja kursus
3. Aktiviti kajian luar yang melangkaui pembelajaran di luar bilik darjah, seperti khidmat masyarakat

Langkah-langkah yang diambil oleh usaha USIM yang berterusan dalam pengintegrasian sains adalah sesuatu yang patut dibanggakan. Islam adalah agama dan cara hidup yang lurus yang merangkumi semua aspek kehidupan manusia untuk kemaslahatan agama dan dunia. Sejarah membuktikan bahawa nabi-nabi daripada Islam tidak pernah menolak kemanusiaan (Aqli) selagi tidak bercanggah dengan prinsip Islam. Menyedari kepentingan ilmu tradisi mengembalikan kegemilangan Islam bersama USIM yang telah memikul tanggungjawab yang begitu besar dengan tujuan untuk memartabatkan kepimpinan masyarakat Islam melalui integrasi Ilqa' Abqari dalam sukatan pelajaran kurikulum pendidikan di semua fakulti, jabatan dan pusat kecemerlangan. Beberapa siri bengkel telah diadakan untuk mencari pendekatan, idea dan pandangan bagi merealisasikan misi integrasi Ilqa' Abqari di USIM.

KESIMPULAN

Ditegaskan dalam artikel ini bahawa saintis Islam dan pelajar Islam yang berbakat pintar memainkan peranan yang sangat penting dalam abad ke-21. Bagi pendidik Islam yang memahami al-Quran, mereka mempunyai kewajiban beragama, bukan sahaja pada tahap tugas profesional sebagai bertanggungjawab membentuk generasi pelajar yang pintar, berbakat pendekatan berdaya saing dan holistik terhadap semua aspek kehidupan manusia demi kesejahteraan agama. dan sekular.

Konsep mengintegrasikan kurikulum pengayaan berasaskan sains Ilqa' Abqari di Kolej GENIUS Insan merupakan satu bentuk aktiviti pengajaran dan pembelajaran yang direka untuk menggalakkan hasil pendidikan yang lebih kreatif dan dinamik falsafah pendidikan yang menekankan sumber Al-Quran dan as- Sunnah. Pengayaan ialah memahami sains dan permasalahan dalam konteks semasa supaya pelajar dapat memahami dan mengaplikasikan ilmu baharu, tanpa mengabaikan sumber utama ilmu dalam Islam iaitu al-Quran dan as-Sunnah. Oleh itu, adalah penting pendidikan yang berteraskan integrasi Ilqa' Abqari yang diberikan kepada pelajar seawal usia boleh dijana kepada ilmuan Islam yang bukan sahaja menjadi Khalifah kepada dirinya tetapi juga umat Islam yang lain.

RUJUKAN

Al-Quran tafsir Ar-Rahman

Adnan Mohamed Yusof. 2015. 'Gagasan Integrasi Ilmu Naqli dan Aqli (USIM): Sorotan Awal Dari Perspektif Fakulti Pengajian Quran dan Sunnah' dalam Integrasi Ilmu Naqli dan Aqli: Perspektif Fakulti Pengajian Quran dan Sunnah. Universiti Sains Islam Malaysia

A. Irwan Santeri Doll Kawaid al-Nadawi. 2015. 'Integrasi Naqli dan Aqli: Tinjauan Isu Terpilih' dalam Integrasi Ilmu Naqli dan Aqli: Perspektif Fakulti Pengajian Quran dan Sunnah. Universiti Sains Islam Malaysia

Garcia-Cepero, M.A. 2008. The Enrichment Triad Model: Nurturing Creative Productivity among College Students. ETM in Higher Education 1. Cardiff January 8-10 2007

Hassan Langgulong. 1988. 'Islamisasi Pendidikan dari Perspektif Metodologi' dalam Jurnal Pendidikan Islam. Jilid 9. Bil 3

Ibrahim B. Syed. 2006. Educating Muslim Children: Challenges and Opportunities. Atas Talian: Copyright © 1988-2006 irfi.org. access : 28 November 2015

Mohd Zuri Ghani, Suzana Ibrahim. 2012. 'Program Pemecutan Dalam Pendidikan Pintar Cerdas dan Berbakat' dalam Prosiding Seminar Kebangsaan Majlis Dekan Pendidikan IPTA 2012. The Zone Regency by The Sea Johor Bharu

Noor Hisham Md Nawi. 2011. 'Pengajaran dan Pembelajaran; Penelitian Semula Konsep- Konsep Asas Menurut Perspektif Gagasan Islamisasi Ilmu Moden'. Kertas Kerja Kongres Pengajaran dan Pembelajaran UKM 2011. 18-20 Disember. Vistana hotel Pulau Pinang

P. R. M. Faizal, A. A. M. Ridhwan, and A. W. Kalsom International Journal of Trade, Economics and Finance, Vol. 4, No. 4, August 2013

The Entrepreneurs Characteristic from al-Quran and al-Hadis

Renzulli, J.S. 2005. Applying Gifted Education Pedagogy to Total Talent Development For All Students. Theory into Practice.

Sidek Baba. 2004. Pendidikan Islam Integratif Benteng Hadapi Globalisasi. Web: <http://ukhwah.com/ukhwah/article.php?sid=1310> Pendidikan Islam Integratif Benteng Hadapi Globalisasi.

Al-Tirmidhi, Muhammad 'Isa. t.t. Sunnan al-Tirmidhi, Bab As-solah, 241. Riyad: Maktabah al-Ma'arif: 69

Basyar Awwad Ma'ruf. t.t. Sunan Ibn Majah. Hadis nombor 224

Imam Malik. 2004. Muwatta. Imam Malik. Muassasah. Zaid Sultan. Juz 5. Hadis 3338:1323

w.n. 2004. 21st Century Dictionary. Editor Mairi Robinson. Chambers

w.n. 2005. Oxford Dictionary of English

Oxford Islamic study online, Oxford Dictionary of Islam

ANALISIS FATWA DI MALAYSIA BERKAITAN PENGGUNAAN ATRIBUT ISLAM DALAM PERNIAGAAN

Suraiya binti Osman ⁱ, Suhaimi Ab Rahman ⁱⁱ, Yasmin Hanani Mohd Safian ⁱⁱⁱ & Elistina Abu Bakar ^{iv}

ⁱ (Penulis Koresponden). Calon PhD. Institut Penyelidikan Produk Halal, Universiti Putra Malaysia. suraiya@raudah.usim.edu.my

ⁱⁱ Pensyarah Kanan. Universiti Putra Malaysia. suhaimiabrahman@upm.edu.my

ⁱⁱⁱ Pensyarah Kanan. Fakulti Syariah dan Undang-Undang, Universiti Sains Islam Malaysia. yasmin@usim.edu.my

^{iv} Pensyarah Kanan. Universiti Putra Malaysia. suhaimiabrahman@upm.edu.my

Abstrak

Malaysia merupakan negara berbilang kaum yang mempunyai populasi Muslim sebagai majoriti. Menurut bancian pada tahun 2020, kira-kira 63.5 peratus daripada 32.4 juta populasi rakyat Malaysia adalah beragama Islam. Keadaan ini telah menarik para penggiat industri untuk menghasilkan produk halal yang pelbagai seterusnya meningkatkan persaingan di kalangan mereka. Pelbagai cara pemasaran telah digunakan bagi menarik perhatian pengguna termasuklah dengan menggunakan nama atau atribut Islam di dalam pemasaran produk halal tersebut. Timbul persoalan sama ada unsur-unsur Islam ini bebas digunakan tanpa sebarang kawalan oleh pihak berkuasa agama di Malaysia serta apa perspektif Islam tentang isu ini. Objektif kertas kerja ini adalah meneliti fatwa-fatwa yang sedia ada di Malaysia berkaitan dengan isu tersebut. Bagi menjawab persoalan ini, fatwa-fatwa sedia ada adalah dirujuk memandangkan Institusi Mufti memainkan peranan penting dalam membuat undang-undang berkaitan hal ehwal Islam. Kajian ini merupakan kajian kualitatif menggunakan kaedah keperpustakaan dengan meneliti himpunan fatwa-fatwa sedia ada sama ada yang telah digazetkan atau tidak. Terdapat kelompongan dari sudut fatwa yang dapat memberi jawapan khusus mengenai status penggunaan ini serta sejauh mana praktik ini dibenarkan. Oleh yang demikian, berdasarkan kaedah sadd az-zariah, bagi menjaga kesucian agama Islam, satu fatwa atau garis panduan adalah diperlukan bagi mengawal penggunaan atribut Islam dalam pemasaran produk halal.

Kata kunci: Fatwa, atribut Islam, perniagaan

PENGENALAN

Permintaan tinggi terhadap produk bercirikan Islam (Sayidah Asma Basir, Muhammad Remy Othman, 2016) telah mencipta satu segmen baru kepada peniaga. Pengguna mudah tertarik dengan produk dan perkhidmatan yang bercirikan Islam kerana ia melambangkan halal, berkualiti, selamat dan pada sesetengah produk ia lebih berkat dan mampu menjadi alternatif kepada rawatan penyembuhan penyakit (Shukur et al., 2016). Pelbagai cara yang digunakan termasuk menggunakan atribut Islam di dalam pemasaran produk, perlabelan, pengiklanan dan di dalam premis perniagaan. Sebagai contoh, penggunaan nama-nama berunsurkan Islam, lambang, simbol, logo, menggantung ayat Al-Quran di dalam premis perniagaan, menggunakan ayat suci al-Quran di dalam produk dan banyak lagi. Nama yang digunakan pada label dan pemasaran contohnya seperti 'Makanan Sunnah', 'Kismis 30 Juzuk Al-Quran', 'Mi Cap Masjid', 'Air milo Zam-zam', 'Baju Melayu Sunnah', 'Valet Doa' dan seumpunya. Produk-produk yang bercirikan sunnah seringkali disebut sebagai yang terbaik seterusnya dapat menjana keuntungan yang tinggi (Shukur et al., 2016; Ahmad et al., 2015). Selain itu penggunaan ini juga merupakan teknik pemasaran bagi mengaut lebih keuntungan oleh peniaga. Walaupun hal ini dilihat memberi pelbagai pilihan untuk pengguna serta membantu pengguna untuk membuat pembelian, namun terdapat juga kesan negatif kepada pengguna seperti isu-isu kesihatan dan keselamatan produk (Loshana K. Shagar, 2014; Sayidah Asma Basir, Muhammad Remy Othman, 2016), eksploitasi Islam untuk perniagaan (Mutalib, n.d.; Shukur et al., 2016; "Jangan Salah Guna Nama Islam Bagi Lariskan Produk," 2017), isu mengelirukan dan memperdaya pengguna (Shukur et al., 2016; Mohd Jamilul Anbia Md Denin dan Fazrik Kamarudin, 2018) dan lebih penting lagi adalah dikhuatiri mencemarkan nama baik Islam (Zin, 2017). Fenomena ini dilihat berleluasa seolah-olah ia merupakan satu teknik pemasaran yang dibenarkan dari perspektif undang-undang dan hukum syarak. Perkara mengenai Islam dan mengenai orang Islam merupakan bidangkuasa negeri dan telah menjadi tanggungjawab Majlis Fatwa untuk memberi pandangan bagi isu-isu terkini yang belum terdapat hukum padanya. Objektif kertas kerja ini adalah untuk mengenalpasti kewujudan dan kecukupan fatwa-fatwa sedia ada yang telah dikeluarkan oleh Majlis Fatwa Negeri dan MKI dalam menjawab kepada isu ini. Kajian ini merupakan kajian kualitatif menggunakan pendekatan analisa isi kandungan. Fatwa-fatwa sedia ada dicari dan diteliti melalui pangkalan data e-smaf (JAKIM), n.d.) dari laman sesawang

Jabatan Kemajuan Islam Malaysia (JAKIM) dengan menggunakan kata kunci yang tertentu.

Kajian ini mendapati terdapat beberapa fatwa yang melarang penggunaan atribut Islam di dalam perniagaan berdasarkan beberapa kaedah. Namun, penggunaan fatwa ini harus diperluaskan kepada aspek-aspek lain kerana kepelbagaian teknik pemasaran yang telah digunakan oleh peniaga masa kini. Ini adalah kerana terdapat pihak yang telah menyalahgunakan atribut Islam demi mengaut keuntungan dan mengambil kesempatan di atas sambutan pengguna terhadap produk sedemikian tanpa menitikberatkan kualiti, ketelusan dan keselamatan pengguna. Amalan ini jelas telah memberi kesan buruk kepada kesucian agama Islam dan tidak menjaga prinsip asas syariah (*maqasid syariah*)

METODOLOGI

Kaedah pengumpulan data dalam kajian ini adalah dengan melakukan carian khusus menggunakan pangkalan data e-smaf. E-smaf adalah pangkalan data disediakan oleh JAKIM yang menyimpan beribu-ribu fatwa yang telah dikeluarkan oleh negeri-negeri dan juga Muzakarah Fatwa Kebangsaan (MKI). E-smaf boleh diakses melalui laman sesawang <http://e-smaf.islam.gov.my/>. Dalam pangkalan data e-smaf ini terdapat pautan kepada laman fatwa negeri-negeri yang lain. Penyelidik telah membuat carian dengan menggunakan beberapa kata kunci iaitu 'ruqyah', 'makanan sunnah', 'ayat Al-Quran', 'kalimah', 'Allah', 'Muhammad', 'Islam', 'kaligrafi', 'Zam-zam' dan 'Musoffa'. Pemilihan kata kunci adalah berdasarkan penggunaan terma-terma tersebut di dalam perniagaan dan pemasaran. Menurut Mohamed Shaffril et al.(2020) kepentingan menyediakan banyak kata kunci ke dalam pangkalan data adalah untuk mendapatkan lebih hasil carian.

Analisis data dimulakan dengan menyusun semua butiran fatwa dalam bentuk jadual menggunakan Microsoft Excel. Butiran jadual disusun mengikut tajuk fatwa, negeri dan status penggazetan.

DAPATAN DAN PERBINCANGAN

Secara amnya tidak terdapat fatwa khusus yang telah dikeluarkan oleh MKI atau mana-mana negeri berkenaan penggunaan atribut Islam dalam perniagaan. Namun, terdapat sebanyak 12 fatwa yang dapat dikaitkan dengan penggunaan atribut Islam di dalam perniagaan telah ditemui berdasarkan hasil carian dengan memasukkan kata kunci seperti dinyatakan. Hasil dapatan dapat dilihat dalam jadual seperti di bawah:

Jadual 1: Senarai fatwa berkaitan penggunaan atribut Islam dalam perniagaan

Bilangan	Tajuk Fatwa	Negeri	Status Penggazetan	Kategori
1.	Penggunaan Kalimah Allah dalam kalangan Bukan Islam	Johor Pulau Pinang Negeri Sembilan Kedah Wilayah Persekutuan Pahang Selangor Perak	Gazet Tidak Gazet Gazet Tidak Tidak Gazet Gazet	
2.	Hukum Penggantungan kaligrafi Islam di Premis Bukan Islam	Sarawak Wilayah Persekutuan Melaka Kedah Selangor	Tidak Tidak Gazet Gazet Tidak	Akidah/ sosial/ syariah
3.	Hukum Penjualan Produk menggunakan Ayat Ruqyah (ayat al-Quran) dan 'Makanan Sunnah' untuk tujuan komersial	Sabah Perlis Wilayah Persekutuan Pulau Pinang Negeri Sembilan	Tidak Tidak Gazet (2021) Tidak Tidak	

		Pahang MKI		
4.	Menggunakan perkataan Islam oleh mana-mana pertubuhan	Perlis Perak Johor Wilayah Persekutuan Melaka Kedah	Gazet Gazet Gazet Gazet Gazet Gazet	Akidah Sosial/syariah
5.	Lambang bulan sabit dan bintang pecah lima	Negeri Sembilan	Tidak	
6.	Air musoffa	Sabah Wilayah Persekutuan MKI	Tidak Gazet	
7.	Meletak dan Menggantung Kalimah Muhammad Oleh Orang Bukan Islam	Johor	Gazet	Akidah
8.	Pork Free	Terengganu	Tidak	Makan dan Minum
9.	Valet doa	Sabah Wilayah Persekutuan	Tidak Gazet	
10.	Penglibatan Orang Bukan Islam Terhadap Aktiviti-Aktiviti Yang Berkaitan Dengan Bahan-Bahan Ayat Al-Quran Dan Bahan Berunsur Islam	Johor Wilayah Persekutuan	Tidak Gazet	Sosial/syariah
11.	Kalimah berkaitan agama yang tidak digunakan oleh orang bukan Islam	Wilayah Persekutuan Johor Pulau Pinang Sabah	Gazet Gazet Gazet Gazet	Akidah
12.	Hukum Penjualan Air Zam-zam	Selangor	Gazet	Muamalat

Sumber: Hasil dapatan penyelidikan

Hasil carian telah diringkaskan dalam bentuk jadual dengan perincian tajuk fatwa, negeri yang mengeluarkan fatwa, status penggazetan dan kategori. Terdapat perbezaan status penggazetan dan juga kategori fatwa antara sebuah negeri dengan yang lain. Selain itu, tidak semua negeri mengeluarkan fatwa bagi satu-satu isu memandangkan ia merupakan bidangkuasa negeri (Rosmawati et al., 2015). Mana-mana fatwa yang telah diputuskan oleh MKI perlu dibincangkan semula di setiap institusi fatwa negeri sama ada perlu difatwakan atau tidak. Fatwa yang diwartakan di sesebuah negeri akan menjadi undang-undang dan mengikat setiap orang Islam yang berada di negeri tersebut (Ahmad Hidayat Buang, 2004). Fatwa yang tidak diwartakan pula adalah fatwa yang tidak dijadikan undang-undang. Namun fatwa tersebut dianggap sebagai fatwa rasmi, ini berikutan apabila sesuatu fatwa itu dipohon secara rasmi melalui surat atau pertanyaan akan dianggap sebagai dokumen kerajaan dan tertakluk kepada peraturan yang berkaitan dengannya (Akta Kesalahan Jenayah Syariah (Wilayah-Wilayah Persekutuan), 1997). Manakala sesuatu fatwa persendirian mufti atau soal jawab agama adalah tidak rasmi. Ia tidak boleh digunakan bagi tujuan rasmi termasuk sebagai bahan bukti di mahkamah (Farahwahida, 2011; Rosele & Haji Abdullah, 2021).

Berdasarkan hasil carian, fatwa-fatwa ini dibuat sebagai maklumbalas hasil dari isu semasa yang berlaku dan bukan secara umum. Antara prinsip yang digunapakai adalah semua perkara adalah harus selagi mana ia jelas tidak bertentangan dengan syariat. Namun jika terdapat unsur-unsur penipuan, salahguna mana-mana kalimah suci Islam, eksploitasi agama Islam, perbuatan menjual agama Islam dan menyebabkan Islam dipandang hina, penyelewengan aqidah dan khurafat maka perbuatan itu adalah ditegah. Selain itu, Kaedah *sadd azzara'i* iaitu menutup jalan ke arah kemudaran juga digunakan bagi mengeluarkan hukum larangan. Di samping itu, jika penggunaan itu boleh membawa kepada penyelewengan akidah, khurafat dan penipuan maka ia adalah dilarang.

Selain itu, terdapat fatwa khusus larangan kepada bukan Muslim menggunakan nama-nama atau melakukan apa-apa aktiviti melibatkan apa-apa penggantungan penjualan, pengedaran, penyimpanan, penerbitan dan pencetakan ayat al-Quran, kitab suci al-Quran atau kalimah suci Islam. Ini bertujuan menjaga kesucian Islam dari dicemari serta mengealakkan sebarang bentuk penipuan, pemerdayaan atau penghinaan kepada Islam namun bagi tujuan dakwah hal ini adalah dibenarkan.

KESIMPULAN DAN CADANGAN

Hasil dari carian fatwa dapat disimpulkan bahawa tiada fatwa khusus melarang atau membenarkan penggunaan atribut Islam dalam perniagaan secara umum. Fatwa sedia ada bersifat khusus kepada persoalan atau isu yang dibangkitkan. Penggunaan ini adalah harus manakala larangan kepada penggunaan berlaku apabila penggunaan boleh membawa kepada menghina, salahguna mana-mana kalimah suci Islam, eksploitasi agama Islam, perbuatan menjual agama Islam dan menyebabkan Islam dipandang hina, bertujuan menipu dan mengelirukan dan berlaku penyelewengan aqidah. Terdapat kelompongan dari sudut fatwa tentang penggunaan atribut Islam yang menyebabkan ianya boleh disalahguna sebagai contoh nama-nama Islam telah digunakan pada barangan yang tidak halal seperti isu *Timah Whiskey* (Noor, 2021) dan *P.Ramly Burger* (Abdullaah Jalil & Suraiya Osman, 2018; Palansamy, 2016). Oleh yang demikian adalah dicadangkan agar satu fatwa dibuat bagi meletakkan satu garis panduan khusus bagi mengawal penggunaan atribut Islam dalam perniagaan. Berdasarkan kaedah *Saddu zariah* pihak berkuasa agama harus tegas dalam melindungi Islam dari sebarang bentuk salahguna dan penghinaan (Suraiya Osman, Abdullaah Jalil, Suhaimi Ab Rahman, 2020).

RUJUKAN

- (JAKIM), J. K. I. M. (n.d.). *e-SMAF Sumber Maklumat al-Ahkam al-Fiqhiyyah*. Retrieved January 12, 2022, from <http://e-smaf.islam.gov.my/e-smaf/>
- Abdullaah Jalil & Suraiya Osman. (2018). A Shariah Analysis on the Use of Islamic Elements in Foods Branding and Marketing. In S. A. Aziz (Ed.), *International Halal Management Conference 2018*. Universiti Sains Islam Malaysia.
- Ahmad Hidayat Buang. (2004). *Fatwa di Malaysia*. Jabatan Syariah dan Undang-undang Akademi Pengajian Islam Universiti Malaya.
- Ahmad, K., Yakub, M., & Mohd, Z. (2015). Salah Faham Terhadap Istilah “ Makanan Sunnah ” Dalam Kalangan Masyarakat Islam Di Malaysia : Satu Analisis. In M. @

- M. A. R. Khadher Ahmad, Faisal Ahmad Shah (Ed.), *Salah Faham Terhadap Sunnah: Isu dan Penyelesaian* (1st ed., Issue November). Jabatan al-Quran dan al-Hadith, Akademi Pengajian Islam, Universiti Malaya.
- Akta Kesalahan Jenayah Syariah(Wilayah-Wilayah Persekutuan) 1997, Pub. L. No. Akta 559 (1997).
http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen2011/Federal_Original.nsf/b3ac9c218c8efdc4482568310022d8b3/012b7d5e75d8ef674825707c000503ba?OpenDocument
- Jangan salah guna nama Islam bagi lariskan produk. (2017, February 8). *Utusan Online*.
<http://www.utusan.com.my/mobile/berita/nasional/jangan-salah-guna-nama-islam-bagi-lariskan-produk-1.441801>
- Loshana K. Shagar, N. S. H. and A. R. (2014, September 20). Favourite-coffee-turns-deadly-Man-dies-hours-after-insisting-on-drinking-banned-beverage. *The Star Online*. <http://www.thestar.com.my/News/Nation/2014/09/20/Favourite-coffee-turns-deadly-Man-dies-hours-after-insisting-on-drinking-banned-beverage/>
- Mohamed Shaffril, H. A., Samsuddin, S. F., & Abu Samah, A. (2020). The ABC of systematic literature review: the basic methodological guidance for beginners. *Quality and Quantity*, 55(4), 1319–1346. <https://doi.org/10.1007/s11135-020-01059-6>
- Mohd Jamilul Anbia Md Denin dan Fazrik Kamarudin. (2018). *Produk Sunnah Tauke Haram*. Harian Metro.
- Mutalib, Z. A. (n.d.). Valet doa di Makkah cemar kesucian Islam - JAKIM. *BH Online*.
- Noor, M. H. M. (2021). Isu Arak Timah: Hormat sensitiviti umat Islam. *Utusan Malaysia*.
<https://www.utusan.com.my/terkini/2021/10/isu-arak-timah-hormat-sensitiviti-umat-islam/>
- Palansamy, Y. (2016, October 25). Ramly Burger boss pans pork burger tribute, says seeking legal advice. *Malay Mail*.
- Rosele, M. I., & Haji Abdullah, L. (2021). Analisis Terhadap Keputusan Hukum Dan Fatwa Zakat Syarikat Di Malaysia. *Journal of Fatwa Management and Research | Jurnal Pengurusan Dan Penyelidikan Fatwa*, 23(1), 1–12.
- Rosmawati, C., Zaina, C. M., Rahmanb, S. A., Ishanc, Z. M., & Azizd, S. A. (2015). Jurisdiction and Prosecution of Halal Related Matters in Malaysia: Challenges and Prospects. *Procedia - Social and Behavioral Sciences*, 172, 294–300.
<https://doi.org/10.1016/j.sbspro.2015.01.367>

- Sayidah Asma Basir, Muhammad Remy Othman, K. A. (2016). Legal issues in sunnah food labeling. What's in a name? In M. Y. @ Z. M. Yusoff, K. Ahmad, & M. @ M. A. Razzak (Eds.), *Penyelidikan Tentang Makanan: Perspektif Nabawi dan Sainifik* (1st ed., Issue January, pp. 139–157). Jabatan al-Quran dan al-Hadith Akademi Pengajian Islam Universiti Malaya.
- Shukur, M. I. A., Ariffin, M. F. M., Ramli, M. A., & Hasan, A. R. A. (2016). Penyalahgunaan Sunnah Nabi Dalam Pelabelan Dan Promosi Produk Halal. In M. @ M. A. R. Khadher Ahmad, Mohd Yakub @ Zulkifli Mohd Yusoff (Ed.), *Penyelidikan Tentang Makanan: Perspektif Nabawi dan Sainifik* (1st ed., Vol. 1, pp. 129–138). Department al-Quran & al-Hadith APIUM. file:///C:/Users/pc/Downloads/Penyalahgunaan_Sunnah_Nabi_Dalam_Pelabel(1).pdf
- Suraiya Osman, Abdullaah Jalil, Suhaimi Ab Rahman, E. A. B. & Y. H. M. S. (2020). Adapting the Principle of Sadd al-Zari'ah by the Government in the Regulation of Product and Service Labelling. *Journal of Islamic Economics and Law*, 1(1), 40–50.
- Syariah Criminal Offences (Federal Territories) Act 1997, Pub. L. No. Act 559 (1997). http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen2011/Eng_act_lib.nsf/b3ac9c218c8efdc4482568310022d8b3/ea3a852647f3221148256bdd0007c082?OpenDocument
- Zin, T. S. D. A. M. (2017, April 1). Eksploitasi dalam ajaran agama _ Rencana _ Berita Harian. *Berita Harian Online*.

DETECTION OF CONTAMINANTS IN WATER FOR IRRIGATION SYSTEM

Siti Nadhirah Zainurin ⁱ, Wan Aina Nadhirah Wan Azlan ⁱⁱ & Wan Zakiah Wan Ismail ⁱⁱⁱ

ⁱ (Corresponding author). Senior Lecturer. Advanced Devices and Systems (ADS), Faculty of Engineering, Universiti Sains Islam Malaysia. drwanzakiah@usim.edu.my

Abstract

Water contamination is a critical issue in plant growth since the contaminated water can cause abnormality to the plants when phototoxicity occurs. Phytotoxicity can happen when plants use contaminated water for photosynthesis because anything chemical would cause an adverse reaction. For organic contaminants, samples from ammonium nitrate and pesticides are tested and the absorbance peak for contaminants are 363nm and 361nm respectively. Besides that, the heavy metal sample is prepared by mixing up white powder of zinc oxide with water to produce a concentrated heavy metal solution with an absorbance peak at 405nm. Lake water from Universiti Sains Islam Malaysia (USIM) that are used for irrigation systems also are collected to check any organic or heavy metal contaminants. The Ocean Optic spectrometer shows an absorbance peak at 361nm, while the low-cost spectrometer lies between 300nm to 400nm. The absorbance spectrum in this region shows the highest peak excitation of organic particles. It proves that pesticides are organic contaminants and the presence of this compound in water used for irrigation systems can cause abnormality in the plants growth. Therefore, appropriate, and systematic water supplies are indispensable in agricultural production systems to produce healthy growing plants for consumers.

Keywords: water cotaminants, irrigation system

INTRODUCTION

Irrigation with the wastewater resulted in a significant reduction in photosynthetic characteristics (Ravindra et al (2016), Liu et al (2018), Azevedo & Rodriguez (2012) & Shokoofehet al (2020)). Plant products can be affected by environmental factors such as soil quality, water content in soil, nutrients and others that can impact the physiological pathways of plant metabolism (Gavrilescu (2021) & Kasem (2016)). Spectroscopy is a reliable method to detect organic and heavy metal contaminants that exist in the water sources, used in the irrigation system. There are some cases where the productivity and yield of plant productions reduced due to water contamination and poor irrigation water quality (Viet & Yabe (2013) & Massachusetts (2020)).

The objective of this research is to study light propagation in terms of absorption and transmittance and develop an optical sensor to detect organic and metal contamination based on optical dispersion. A spectrometer is built to investigate types of contaminants in various water samples implemented using ESP32 as the main controller to control the overall system, a servo motor to control the light spectra movement, and a BPW34 light sensor to absorb photons and measure the light intensity. The output of different types of contaminants is measured based on light transmission and absorbance captured by a light-intensity detector. The results are displayed in the Blynk application for real-time water quality monitoring. This research studies the relationship between types of compounds and absorption spectrum by applying Lambert's Beer Law to obtain the transmittance and absorbance for the solution samples (Kuntzlemen & Jacobson (2016) & Mayerhofer et al (2019)).

Organic and heavy metal contaminants have different absorption peak where the compounds can absorb light in different wavelength based on their chemical structure.

In the experimental study, several samples are tested. For organic contaminants, samples from ammonium nitrate and pesticides are tested and the absorbance peak for contaminants are 363 nm and 361 nm respectively. Besides that, the heavy metal sample is prepared by mixing up white powder of zinc oxide with water to produce a concentrated heavy metal solution with an absorbance peak at 405nm. Lake water from Universiti Sains Islam Malaysia (USIM) that are used for irrigation systems also are collected to check any organic or heavy metal contaminants. The samples are tested using a low-cost ESP32 spectrometer and Ultraviolet-Visible (UV-Vis) Ocean Optic spectrometer. For Ocean Optic spectrometer, the spectral is displayed using OceanView software. Data of 10 times measurements were collected during the experimental process to ensure the reliability of the system. Generally, ultraviolet light is the main light source to determine the spectrum wavelength and absorption of spectrum for different types of contaminants. UV-Vis spectrometry is a widely used physical method to detect or monitor water parameter quality. The spectroscopy method has been applied to detect the presence of a substance in the sample solution which helps to differentiate the type of compound. This method is simple, non-destructive, cost-effective, with no chemical waste, and allows rapid detection compared to conventional methods. This approach is also reliable because it can detect contaminants based on optical properties of water samples.

Furthermore, the experimental output from this study is intended to compare the light absorbance range and show the ability of a low-cost spectrometer to produce a similar result from convectional UV-Vis Ocean Optic spectrometer. The current limitation of the ESP32 spectrometer is unable to produce the exact absorbance peak value but it is practical as the technique can detect pollutants based on a specific wavelength of spectrum range. The performance of the methods is evaluated based on the absorbance spectra produced. The comparison of absorbance peak for pesticides from ESP32 spectrometer and Ocean Optics Spectrometer are obtained. Both Figures 1 and 2 show quite similar absorption peaks with the highest absorbance peak, relies in the range of 300 nm-400 nm for pesticides. The Ocean Optic spectrometer shows an absorbance peak at 361 nm, while the low-cost spectrometer lies between 300 nm to 400 nm. The absorbance spectrum in this region shows the highest peak excitation of organic particles. It proves that pesticides are organic contaminants and the presence of this compound in water used for irrigation systems can cause abnormality in the plants growth. Therefore, appropriate, and systematic water supplies are indispensable in agricultural production systems to produce healthy growing plants for consumers. There is a need to monitor water quality continuously in the water supply confluences of agricultural catchments.

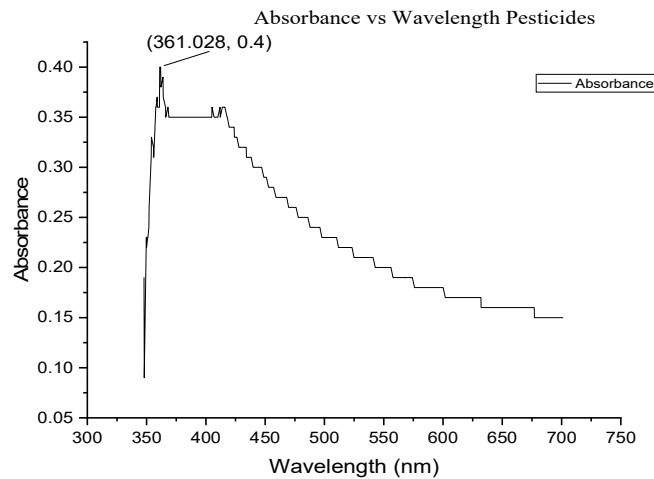


Figure 1: Absorbance result of pesticides from Ocean Optic Spectrometer.

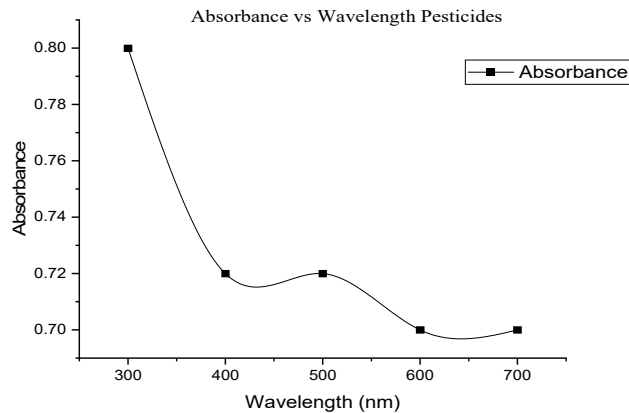


Figure 2: Absorbance result of pesticides from ESP32 Spectrometer.

REFERENCE

- B. Ravindran, S. K. S. Kumari, T. A. Stenstrom & F. Bux. (2016). Evaluation of phytotoxicity effect on selected crops using treated and untreated wastewater from different configurative domestic wastewater plants. *Environ. Technol. (United Kingdom)*, vol. 37, no. 14, pp. 1782–1789. doi: 10.1080/09593330.2015.1132776.
- E. Kasem Mahmoud & A. Mohamed Ghoneim. (2016) Effect of polluted water on soil and plant contamination by heavy metals in El-Mahla El-Kobra, Egypt. *Solid Earth*, vol. 7, no. 2, pp. 703–711. doi: 10.5194/se-7-703-2016.
- H. Viet & M. Yabe. 2013. Impact of Industrial Water Pollution on Rice Production in Vietnam. *Int. Perspect. Water Qual. Manag. Pollut. Control*.doi: 10.5772/54279.
- J. Liu, B. Dhungana & G. P. Cobb. (2018). Environmental behavior, potential phytotoxicity, and accumulation of copper oxide nanoparticles and arsenic in rice plants. *Environ. Toxicol. Chem.*, vol. 37, no. 1, pp. 11–20. doi: 10.1002/etc.3945.
- M. B. Shokoofeh Hajihashemi, Sonia Mbarki, Milan Skalicky, Fariba Noedoost & Marzieh Raeisi. (2020). Effect of Wastewater Irrigation on Photosynthesis, Growth, and Anatomical Features of Two Wheat. *Water*, vol. 12, no. 607, pp. 1–16.

- M. Gavrilescu. (2021). Water, soil, and plants interactions in a threatened environment. *Water (Switzerland)*, vol. 13, no. 19. doi: 10.3390/w13192746.
- R. Azevedo and E. Rodriguez. (2012). Phytotoxicity of Mercury in Plants: A Review. *J. Bot.*, vol. 2012, pp. 1–6. doi: 10.1155/2012/848614.
- T. G. Mayerhöfer, A. V. Pipa, and J. Popp. 2019. Beer's Law-Why Integrated Absorbance Depends Linearly on Concentration. *ChemPhysChem*, vol. 20, no. 21, pp. 2748–2753. doi: 10.1002/cphc.201900787.
- T. S. Kuntzleman and E. C. Jacobson. 2016. Teaching Beer's Law and Absorption Spectrophotometry with a Smart Phone: A Substantially Simplified Protocol. doi: 10.1021/acs.jchemed.5b00844.
- University of Massachusetts Amherst (2020). Massachusetts Greenhouse Industry Best Management Practices Guide," *Univ. Massachusetts Amherst*, pp. 1–19. Available: <https://ag.umass.edu/greenhouse-floriculture/greenhouse-best-management-practices-bmp-manual/water-quality-for-crop>.

SAIS 2022

EXTENDED ABSTRACT

This e-proceeding aims to publish and highlight the extended abstracts written by academicians and researchers that are reviewed by experience scholars in the subjects of all across the theme selected by this year's International Seminar on Islam and Science 2022 (SAIS 2022). This SAIS 2022 conference theme is aligned with Universiti Sains Islam Malaysia (USIM) inspiration and focus on the integration of Naqli and 'Aqli knowledge. The 5th SAIS 2022 conference theme is Memimpin Integrasi Ilmu Naqli dan Aqli. We hope for a productive discussion among academicians across expertise, as well as flattening of the COVID-19 cases curve and proposing solutions on overcoming its problems in the areas of Science and Technology, Medicine and Health Sciences, Dentistry, Architecture & Engineering fields as well as other fields such as Shariah & Law, Quranic and Sunnah, Leadership and Management, Major Language, Economy, Muamalat, Civilisation and Thoughts. What is unique with this e-proceeding is the extended abstracts published integrate between acquired (Naqli) and revealed knowledge ('Aqli). It is also crucial for us to move and lead towards the Industrial Revolution of 4.0 Era (4IR), together with being well-equipped with relevant technologies during and post the pandemic era with our embedded culture and religion.



e ISBN 978-967-0001-80-7

