MOBILE FATWA (M-FATWA):
The Integration of Islamic Fatwa Through Mobile Technology

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ABSTRACT

Fatwa institutions play an important role to disseminate information about the fatwa decision that has been discussed. Fatwa is decided will be a guide and reference to the Muslims for dismantling all the problems related to religious law in everyday life. The purpose of this paper to discuss the integration method fatwa information using a mobile device technology.

The challenges of Fatwa integration using mobile technology is also reviewed in detail to create a new prospect in explaining the current issues or problems in religion. Some recommendation to achieve this combination of two elements was also made to implement using M-Fatwa through mobile technology in Malaysia.

Keywords: Fatwa, mobile fatwa, Islamic fatwa, mobile technology, mobile learning

INTRODUCTION

In Malaysia, Fatwa institution is a source of Islamic Law other than written law enactment in this country. Although the function and role played by this institution is differed to compare to Islamic Councils and Sharia Court in term of its legislation aspect, this institution has its own authority and position as being stated in Islamic law in every state.

According to Zaini (2005), Fatwa Institution has its own particular role and responsibilities specifically to solve any inquiries regarding Syara' Law including giving explanations towards any misunderstanding or unclear law as stated in section 14 of the Regulations of the Council. "The role of Fatwa Committee is to consider, decide and come out with any fatwa on any issues related to Islam referred to it by Majlis Raja-Raja. This committee shall submit their views to the Council along with their recommendations."

The National Fatwa Committee acts as an institution that coordinates fatwa institutions in every state especially in discussing big issues and need quick responses, involving inquiries of the country or Muslim faith (Zaini, 2005).

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All the informations regarding the fatwas that have been discussed are keep by the National Fatwa Committee. This shows that the rules played by the fatwa institution are really important in solving new problems that arise nowadays and also current issues in our country.

FATWA CHALLENGES NOWADAYS

There are a lot of significant changes that occur in human's lives in the aspects of community, economy, politics, and civilization due to the result of the urbanisation, globalisation, and improvement in information and communication technology. Issues related to religion that has not arisen in the past are now becoming big inquiries as it never happened previously. Among of the most common issues of concern are in the field of financial economy and science technology (Al Qaradhawi, 1993).

As a result, there are many inquiries arise among the community as the law is still unclear and there is no establishment of the law. These inquiries also constantly changes based on certain conditions and local environment depending on the need of the community towards certain issues (Hasnan, 2008). These problems need to be handled wisely so that every activity in a community are conform to the Islamic Law and eliminate any elements of syubhah.

Therefore, as long as a law regarding the use of certain substances or materials has not been decided thus the use of that substances will be a doubt to the Muslim consumers. This condition explain the role of Fatwa Institution is really important in giving establishment of Islamic Laws to be hold by the community. This matter also has been emphasized by Sheikh Al- Qaradhawi through his book, al-Ijtihad al-Mu'asir stated that the need of the current fatwas are really crucial because its not only answering the arisen problems on a certain laws but also to reevaluate previous established ijtihad and fatwa which are not more appropriate to be practice nowadays (Mahmood Zuhdi, 2004).

In addition, problems that arise in every issues also vary depending on the time and age as the human needs often changes based on situations and conditions. This matter require cotemporary scholar to ignore some part of the ancient Islamic fuqaha views on certain issues as it seems not more suitable to be practice in new current situation. (Nor Naemah & Mohd hashri, 2003). This doesn't mean that the views of the classical Islamic fuqaha are being neglected but to revise and reevaluate to suit with the demands and current needs. It should be noted that not all the fatwa decisions can be published to the public. In fact, some of it are classified as secret or confidential material. It is only for the information to the certain parties that asked for fatwa or related parties only (Zaini, 2005). Lack of information towards certain issues related to religious law make it difficult to the community in order to obtain guidances or references from the concerned parties. This cause people having difficulties in getting detailed informations related to the religious law that has been established.

Thus, difficulties to refer the source materials and existing references also becoming a problem as the resources are very limited and mostly relies on Classic Book of Fiqh (Rahimin et al., 2009). Lack of Islamic Law references caused Muslim Community having difficulties to determine a law in order to answer various issues raised. This kind of situation always faced by the community particularly local civil society.

M-FATWA THROUGH MOBILE TECHNOLOGY

The concept of a borderless world and globalization of knowledge beyond the boundaries also contributed to the positive changes to the world. These changes are not new to the world because the developed countries like the United States, Japan and Britain have already experienced the growth of knowledge in education as early as the 60s.

The development of computer technology, followed by the discovery of the internet continues to increase community awareness about its importance in this information era.

As the result of the networking system, analog system has switched to digital systems and develop further to the 3G network, which is the third digital generation system (Attewell, 2005; Kolahi, 2002). In addition, WiFi has becoming a wireless networking technology for the local in the business environment or at home. In fact, WiFi is currently installed in public areas to enable users to access broadband internet. (Hui et al., 2003). This rapid development produces positive impacts to the world, especially in education field. Previously, teacher-centered education is seen only in the classroom, now education has developed more as we can learn through online method (e-learning) and through mobile (m-learning).

Constantly with the development of technology, communication dan information around the world, Malaysia also experiencing significant changes. The search of informations is not difficult as those in the 60s and 70s. Today, with the advance in technology, laptop and mobile technology such as mobile phones make the search for the knowledges and the seeking of informations can be done easily dan time saving. M-learning is one of the methods that used mobile technology (Caudill, 2007) and more practical as it can be carried at any kind of circumstances.

In consistent to the current needs of Muslims who need informations about Islamic jurisprudence, the m-learning offers information immediately (Traxler, 2007), The researchers came out with a new alternative M-Fatwa (Mobile Fawa) using mobile technology. Data containing M-Fatwa Islamic Law informations are integrated in the form of mobile technology enable users especially the Muslims to access information about religious issues instantly. By simply using a mobile phone, M-Fatwa can be accessed at all times and allows the user to make a reference related to Islamic Law in any kind of circumstances.

THE USE OF MOBILE TECHNOLOGY IN ISLAM

Basically the development and sophistication of the mobile technology that currently being a trend is not something new in Islam. Islam accepts any positive changes especially in the knowledge development as long as it is not contradict with the sharia dan fulfill the norms of the community. The fact is that technology has been used in various ways dan forms since in the early development of Islamic Knowledge (Osman, 2010). Composition of the sources, methods, strategies and techniques used has optimise the acquisition of knowledge which enables the Muslims during the era emerged as scholars and intellectuals that are honored and respected around the world.Therefore, the development of technology in a globalized world should be used by the Muslims in mastering the knowledge, especially related to education and knowledge of Islam.

In fact, the modern world and globalization has linked civilization and culture of the society and religion which in turn make the world and the Muslim community is no longer exotic and isolated (Iftikhar, 2007). This is closely related to the development of mobile technology in which the access to the knowledge, including the knowledge of Islam teachings more easily and effectively.Muslims who are directly involved in education and research, or even the public can take advantages of this technology at any time and anywhere. This is consistent with the concept of lifelong learning and the position of the knowledge in Islam . In fact, m-learning currently growth rapidly and relevant as a significant method especially in formal and non-formal education. This is acknowledged by Bunt (2009) a Muslim scholar in his book; "For many iMuslims, there is no conflict between technology and living life Islamically. Islam is seen as adaptable to any age and context, while retaining its core values."

He added that Islam never opposed to changes in technology. Since the early development of Islam, every reform that can improve the messages of Islam are always supported. The chances for the missionary in Islam is widely open as long as it is not contradict with the guidelines outlined by the syara'. It is clear that the acceptance of Islam towards the use of mobile equipments such as laptop dan mobile phone are legal. In addition, it can help increase the knowledge about Islam and can be a mechanism to convey the message of da'wah. Islam also does not limit any kind of technology than can lead to the success in the effort of da'wah to the people around the world.

ISSUES REGARDING MOBILE EQUIPMENTS AND THE USAGE OF FATWA

The use of mobile devices has long been known in developed countries such as the United States and Britain as the prices are much reasonable compared to prices offered in Malaysia (Syed Ardi & Zaidatun, 2008). However, through the budget in 2011 by the Prime Minister stated that the sales tax on all types of mobile phones will be excluded (Supplementary Supply Bill, 2011). This formulation is expected to provide a new prospect to the world of mobile technology in the future.The use of mobile devices typically have a limited screen, small and difficult to display all the information (Singh & Olive, 2006). Therefore, the content of fatwas downloaded in the mobile should be limited and need to be adapted to limited on-screen display. However, every fatwa shown must gives an explanation and supported by dalil from Islamic law resources. If the fatwa comes in very simplified form can cause certain doubts towards certain parties especially to the public that really need clear clarification (Salwa, 2003). This matter need to be consider as not all the information can be displayed at the same time.

Other than that, the content of the fatwa that would like to be included in the mobile should be emphasize and given an attention to it. This is due to every fatwa issued by the institutions are different and inconsistent in every state in Malaysia (Ahmad Hidayat, 2006; Hasnan, 2008). The acceptance of the community towards fatwas issued by the fatwa institution also differ. According to Hasnan (2008), some of the community accept totally the established fatwa and some of them accept some of the part of the fatwa and reject the others.

Muslim communities that accept the fatwa issued by the fatwa institution mostly are the public that do not have higher education level in religion, those who have political thought parallel to the current political thinking, the people that have their own importances towards the fatwa and the people that live in the rural area.

Meanwhile the society that reject or do not accept some part of the fatwas issued by the fatwa institutions is mostly the people that have high level of education and extensive knowledges on the legislation of Islam, also to those that have political thoughts in favor towards opposition party and those affected interests and against to the issued fatwa (Hasnan, 2008).The efforts towards giving an explanation related to the established fatwas are very poor. Issued fatwas also are not well structured and not documented systematically (Hasnan, 2008; Salwa, 2003) Only the state of Perak, Terengganu and Perlis that have the information well structured. These three states documentarized the issued fatwa in the form of leaflets or pamphlets in which to be distributed to the public from time to time. This kind of action need to be followed as it is important to ensure that Muslim community aware to the current issues.

Constantly to the current development, Jabatan Kemajuan Islam Malaysia, JAKIM (Department of Malaysia Islamic Development) take a step to develop a web portal to access certain fatwas issued by the government official fatwa institution. This portal was officially launched by the former Prime Minister Dato' Seri Abdullah Ahmad Badawi in 2003.The developed portal is really attractive and highly beneficial to the public user. However there are a few weaknesses such as in the aspect of user-friendly, the efficiency to access the fatwa and lack of clarification in explaining certain issues (Mohd Nor et al.,2008).

RESEARCH METHODOLOGY

The use of fatwa through mobile technology is apparently suitable for implementation. Although the approach in the integration of information through mobile devices is still in the early stage in Malaysia but this kind of mobile technology already applied in developed country such as United States and Britain. It is proven that the combination of the content and the mobile technology gives positive impacts in terms of sharing the information, help to organise the task given in detail and able to enhance interaction between the user and the mobile devices that had been used (Keegani 2005; Saedah Siraj, 2004; Seppälä & Alamäki, 2003; Wishart, 2009). This shows that the used of mobile devices are really potential to be a platform to enhance public understanding on a fatwa issued.

There is no doubt that a few problems will arise especially towards the content of the fatwa that will be included in the mobile devices such as the contradiction between the decision of the fatwa and differences of approaches used in solving an issue. However, if the subject is given serious attention in terms of discussion with the mufti and the high committee in fatwa institution, the problem can be solved easily. Naturally, the use of a new system will deal with various challenges and problems until it is reviewed in detail and need to be emphasize before it can be use properly and effectively.

Besides, the use of M-Fatwa through the mobile technology can be achieve immediately. This shows the ability of fatwa institution in handling current technology in any kind of circumstances. Islam never constrains any kind of development in technology plus muslim community need to mastering this field in order to strengthen the image of Islam to the world and rectifying the belief on the Islamophobia that currently struck the western world. This is important to motivate muslim community to compete in controlling this mechanism of da'wah thus gives understanding to the world towards justice in Islam.

This recommendation has been explained in detail in the Quran that encourages the Muslim to prepare themselves with strength and power. As stated in the Quran:

"And prepare against them whatever you are able of power and of steeds of war by which you may terrify the enemy of Allah and your enemy and others besides them whom you do not know [but] whom Allah knows. And whatever you spend in the cause of Allah will be fully repaid to you, and you will not be wronged." (Surah Al-Anfal 8: 60)

Hence, extensive studies should be conducted, especially in overcoming the identified problems and improve the existing opportunities to further strengthen the use of information technology through mobile fatwa. The inquiries regarding the law and current issues in Malaysia may also be different from other countries, thus research on the tendency toward the religion inquiries can be done in order to determine the needs within the society. Extensive studies in this area would have increased the understanding of Islamic law. There no doubt that the use of M-Fatwa will assist fatwa institution in delivering the information and current issues especially in Malaysia.

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REFERENCES

Ahmad Hidayat Buang. (2006). Ke Arah Penyelarasan Fatwa: Masalah, Kemungkinan dan Cara Penyelesaiannya. Prinsip dan Pengurusan Fatwa di negara-negara ASEAN [Towards Fatwa Coordination: Problems, Possibilities and How to resolve. Principles and Management Fatwa in ASEAN countries], pp. 25-54.

Al-Qaradhawi, Yusuf. (1993). *Al-Ijtihad al-Mu'asir baina al-inbat Wa al-infitah*. [*Current Ijtihad between accuracy and negligence*], Kaherah: Dar al-Tauzi Wa al-Nasyr.

Attewell, J. (2005). *From research and development to mobile learning: Tool for education and trainning providers*. Papers 4th World Conference on Mobile Learning. Cape Town, South Africa. http://www.mlearn.org.za/CD/papers/Attewell.pdf

Bunt, G. (2009). *iMuslim: Rewiring the house of Islam*. Chaper Hill: The University of North Carolina Press, p. 19.

Caudill, J. G. (2007). The growth of m-learning ang the growth of mobile computing:parallel developments. *The International Review of research in Open and Distance Learning*, 8(2). http://www.irrodl.org/index.php/irrodl/article/view/348/873

Hasnan Kasan. (2008). *Institusi fatwa di Malaysia* [*Fatwa institutions in Malaysia*]. Bangi: Penerbit Universiti Kebangsaan Malaysia.

Hui, Luo, Zhimei, Jiang, Byoung-Jo Kim, N.K. Shankaranarayanan & Paul Henry. 2003. Integrating Wireless LAN and Cellular Data for the Enterprise. *Internet Roaming Internet Computing Magazine*, March 2003.

Iftikhar Ahmad. (2007). The muslim world: Its time, continuity and change. *Social Studies Review*, 46(2): 33-38.

Kamus Dewan Edisi Keempat. (2007). Kuala Lumpur: Dewan Bahasa dan Pustaka.

Keegan, D. (2005). The incorporation of mobile learning into mainstream education and training. 4th World Conference on Mobile Learning. Cape Town, South Africa. http://www.mlearn.org/mlearn2005/CD/papers/keegan1.pdf

Kolahi, S. S. (2002). Evoluation towards third generation wireless networks. 15th. Annual NACCQ. Hamilton, New Zealand.

Mahmood Zuhdi Ab. Majid. (2004). *Fatwa dan Isu Semasa: Masalah dan Cabaran di Malaysia* [*Fatwa and Current Issues: Problems and Challenges in Malaysia*]. Jurnal Syariah, 12(2), 79-93.
http://myais.fsktm.um.edu.my/6978/1/Fatwa_dan_Isu_Semasa_Masalah_dan_Cabaran_di_Malaysia.pdf

Mohd Nor Mamat, Siti Fatahiyah Mahamood, Mohd Nazir Ahmad, Aliza Ismail & Zam Hariro Jamaluddin. (2008). E-Fatwa Information Management: Sustanance and enhancement towards friendly and efficient database. World Congress of Muslim Information Scientist. Kuala Lumpur, 25-27 November.

Nor Naemah Abd. Rahman & Mohd Nor Hashri Junoh. (2003). Pendekatan Ijtihad Tarjihi dalam Amalan Fatwa Jemaah Ulama Negeri Kelantan: Rujukan Kepada Fatwa-fatwa 1990-an[Ijtihad Tarjihi approach in practice of Fatwa Council among Kelantan Scholars: Reference To Fatwa's 1990]. *Jurnal Syariah*, 11(2): 27-50. http://myais.fsktm.um.edu.my/7522/1/Pendekatan_Ijtihad_Tarjih_Dalam_Amalan_Fatwa_Jemaah_Ulama_Negeri_Kelantan_Rujukan_Kepada_fatwa-Fatwa_1990.pdf

Osman Bakar. (2010). Sains dan teknologi dalam peradaban Melayu Islam: Satu tinjauan umum [Science and technology in the Islamic Malay civilization: A general survey]. Paper presented in Majlis Ilmu 2010. Bandar Seri Begawan, Brunei Darussalam. 26-29 July.

Rahimin Affandi, Paizah Ismail, Nor Hayati Mohd Dahlal. (2009). Ijtihad dalam Institusi Fatwa di Malaysia: Satu Analisis [Ijtihad in Fatwa Institution in Malaysia: An Analysis]. *Jurnal Syariah*, 17 (1): 195-222. http://myais.fsktm.um.edu.my/9943/1/IJTIHAD_DALAM_INSTITUSI_FATWA_DI_MALAYSIA_SATU_ANALISIS.pdf

Supplementary Supply Bill 2011. In. Ucapan Bajet 2011. Dewan Rakyat 15 Oktober 2010.

Salwa Hassan. (2003). Institusi Fatwa: Peranan dan Pelaksanaan Terhadap Masyarakat Islam di Selatan Thailand [Fatwa Institutions: The Role and Implementation among Muslims in Southern Thailand]. Tesis Sarjana Pengajian Islam, Universiti Kebangsaan Malaysia. [Unpublish]

Saedah Siraj. (2004). Pembelajaran Mobile dalam Kurikulum Masa Depan [Mobile Learning in the Future Curriculum]. *Masalah Pendidikan*, 27, 128-142. http://myais.fsktm.um.edu.my/5093/1/11.pdf

Seppälä, P. & Alamäki, H. (2003). Mobile learning in teacher training. *Journal of Computer Assisted Learning*, 19(3), 330–335.

Singh, D. & Zaidatun A. B. (2006). Mobile Learning in wireless classrooms. *Malaysian Online Journal of Instructional Technology*, 3(2), 26-42. http://myais.fsktm.um.edu.my/1629/

Syed Ardi Syed Yahya Kamal & Zaidatun Tasir. (2008). Pembelajaran Masa Depan-Mobile Learning (M-Learning) di Malaysia [Future Learning-Mobile Learning (M-Learning) in Malaysia]. Seminar Penyelidikan Pendidikan Pascaijazah. 25-27 November 2008, Universiti Teknologi Malaysia. http://eprints.utm.my/7989/1/EDUPRES_%28F3%29_9.pdf

Traxler, J. (2007). Defining, Discussing, and Evaluating Mobile Learning: The moving finger writes and having writ. *International Review of Research in Open and Distance Learning*, 8(2), 1-12. http://www.irrodl.org/index.php/irrodl/article/view/346/875

Wishart, J. (2009). Use of Mobile technology for teacher training. Dlm. Ally, M (Eds), Mobile Learning: Transforming the Delivery of Education and Training. Edmonton: AU Press, pp. 265-278.
http://www.aupress.ca/books/120155/ebook/13_Mohamed_Ally_2009Article13.pdf

Zaini Nasohah. (2005). Undang-Undang penguatkuasaan Fatwa di Malaysia [Fatwa Law execution in Malaysia]. *Jurnal Islamiyyat*, **27(1), 25-44.**
http://www.ukm.my/penerbit/jurnal_pdf/jis27-02.pdf