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Sustainability of Islamic Education for Persons with Disabilities Based on Maqasid Shariah in The Context of Preserving Religion and Intellectuality

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Abstract

Islam recognises the position of the disabled community as a part of the society that has the right to enjoy justice and well-being in life. Therefore, Islam gives clear guidance through the Quran and Sunnah about the rights, services and potential to be given by the community to persons with disabilities based on the principles of *Maqasid Shariah*. The main objective of this study is to explore the concept of preserving religion (*al-Din*) and intellectuality (*al-'Aql*) in ensuring the sustainability of Islamic Education for persons with disabilities, and to suggest mechanisms for achieving the objectives of such sustainability. The study uses qualitative methods through descriptive document analysis. The collected data is analysed through content analysis approaches by creating codes and themes. The study showed a correlation between the principle of *Maqasid Shariah* (preservation of religion and intelectuality) as the main mechanism in the effort to preserve Islamic Education for persons with disabilities. In order to ensure that this sustainability is achieved, the implementation of the policy involving persons with disabilities requires integrated cooperation from all parties as well as the involvement of various ministries, departments and agencies, non-governmental organisations (NGOs), academics, medical experts, social workers, volunteers and the public.

Keywords: Maqasid Shariah, Islamic Education, Persons with Disabilities

Introduction

According to Husaini (2020), Islam emphasises knowledge by glorifying Islamic Scholars and raising their degrees as Allah says in *Surah al-Mujadilah:58:11* and *Hadiths* related to the glory of knowledge (Permana, 2019). The education system in Malaysia has begun in a structured and systematic way since the country achieved independence, based on the 1956 Razak Report which focused on the preparation of the national education system to be implemented after the country reached independence in 1957 (Ahmad & Abdullah, 2010; Rosli et. al., 2022; Saad, 2023). The educational system of the country has given Malaysians the opportunity to get the perfect education regardless of race and religion (Suhid et al., 2015; Hashim, et. al., 2022). The education system in Malaysia begins when a child reaches the age

of six until university graduation. It has been arranged and organised so that every citizen gets adequate education including persons with disabilities (KPWKM, 2021). Parents who have children with special needs should be sensitive and concerned about every facility provided by the government, including from charity bodies and private entities. They have the right to receive education without discrimination due to their disabilities (Nor & Rashed, 2020). All students with disabilities have the opportunity to receive relevant and appropriate education (Razuan et. al., 2019; KPM, 2021).

The importance of knowledge is an indispensable element contained in the principle of *Maqasid Shariah* which is based on the objective of attracting benefits or public interest (*al-Maslahah*) and rejecting harm (Ibnu Ashur, 2001; Hamzah, 2020). In the context of sustainable education for persons with disabilities, the endeavours to offer quality education and in accordance with their inability are not ignored but are given the rights and privileges of the Government as defined in Section 28, Persons with Disabilities Act 2008 (Tahir et al., 2020). In Islam, this coincides with the preservation of religion and intellectuality that is one of the objectives of *Shariah* for achieving human prosperity in this world and the world Hereafter (Al-Shatibi, 2004; Asiah, 2020). The position of the *Maqasid Shariah* as the symbol of Islamic consciousness proves that the durability of science does not disrupt the disabled community, even though there are inadequacies compared to the typical community. The right to education for persons with disabilities is also preserved through the laws and constitutions of the state in accordance with the aspirations of the Government as an advocate for change in the direction of the formation of the *Madani* (civil) society (Ishak et. al., 2021).

Methodology

This study is qualitative, using the literature review method to collect data, which comprises books, documents, journals and pages of the agency and parties involved. The data collected is analysed through content analysis approaches by creating codes and themes. The analysis is done descriptively by explaining the principle of *Maqasid Shariah* and its relationship with the sustainability of Islamic Education among persons with disabilities, as well as the mechanism of achieving the objectives of *Maqasid Shariah* through the concept of preserving religion and intellectuality.

Result and Discussion

The Principle of Maqasid Shariah: Attracting Benefits, Rejecting Harm

Maqasid and *Shariah* are two terms that have their own meaning and are related to each other. *Maqasid* means purpose or objective Al-Maany (2021), while *Shariah* is a religious system containing laws related to belief (*Aqidah*), worship (*Ibadah*), marriage (*Munakahat*), transaction (*Muamalat*), crimes (*Janayat*) and morals (*Akhlak*) (Al-Qurtubi, 1964; Al-Kattan, 2001; Paryadi, 2021). According to Paryadi (2021), the principle of *Maqasid Shariah* was initially a separate sub-topic in the discipline of *Usul Fiqh* which has long been developed by past and contemporary Islamic scholars. The principle in *Maqasid Shariah* is to create good while avoiding bad or attracting benefits and rejecting harm (*Dar'u al-Mafasid wa Jalb al-Masalih*). Therefore, the principle of *Maqasid Shariah* can be concluded as wisdom and cause (*illat*) whereby a certain law is created. In the study of *Usul Fiqh*, wisdom is different from *illat*. *Illat* is referred to as a certain characteristic that is clear and can be known objectively (*Zahir*), and there is a benchmark (*Mundhabit*), as well as in accordance with the provisions of the law (*Munasib*) where its existence is a determinant of the existence of law. As for the

difference between Islamic scholars in defining *Maqasid Shariah*, it shows the breadth of Islamic Shariah and the dynamics of *ijtihad* that accept the changes of time and era (al-Shatibi, 2004; Sahid et. al., 2018; Rifa'i, 2022).

Allah says in the Quran; *And We have not sent you, [O Muhammad], except as a mercy to the worlds* (al-Anbiya':21:107).

The verse above clearly shows that Allah sent Prophet Muhammad PBUH as a Prophet and Messenger who brings mercy to the whole world through his teachings that bring goodness to all mankind (al-Qurtubi, 1964). The division of *Maqasid Shariah* into five main parts was pioneered by Imam al-Ghazali, which is called *al-Dharuriyyat al-Khamsah* or the five main principles in *Maqasid Shariah* (Muhammad, 1997; Abadi, 2021). These five main principles are (1) Preserving Religion, (2) Preserving Life, (3) Preserving Intellect, (4) Preserving Descendants, and (5) Preserving Property (Rifa'i, 2022).

Contemporary Islamic scholars such as Bakar (2021) stated that the *Maqasid Shariah* is seen in a broader and more comprehensive context in order to preserve well-being in this world and the world Hereafter. In the context of Islamic Education among persons with disabilities, efforts to cultivate religion and intellectuality must be seen in detail so that there is no misunderstanding among the society, especially parents, regarding the issue of responsibility (*al-Taklif*) in accepting and implementing all the requirements of Shariah (Raus, 2019; Mohamed, 2022). This is because education is not limited to certain groups. In fact, it covers all levels of society (education for all), regardless of background and social position. Thus, the concept of preserving religion and intellectuality that is established in Islam is a fundamental solution for attracting benefits and rejecting harm towards building a valid perception in offering opportunities for persons with disabilities to be educated based on their learning differences (Raus, 2019; Rashid et al., 2019).

Thus, research on the concept of preserving religion and intellectuality in *Maqasid Shariah* needs to be deemed as fundamental to the sustainability of Islamic Education among persons with disabilities. This is because the basis for preserving religion is the eligibility to accept and implement as long as a person is still alive (Mohamed, 2022). Meanwhile, the basis for preserving intellectuality is the obligation to seek knowledge by diversifying strategies, approaches, methods and techniques of teaching and learning as shown by Prophet Muhammad PBUH (Alias, 2023).

Sustainability of Islamic Education: Empowering *Persons with Disabilities*, Enabling The Society

According to the Persons with Disabilities Act (2008), the term persons with disabilities refers to individuals who have long-term physical, mental, intellectual or sensory disabilities and when faced with challenges, they may not be able to participate fully and effectively in society. Those who are categorised as persons with disabilities have certain levels and categories of disabilities, and have privileges and rights protected by law. They have the right to live a life like other Malaysians without any discrimination from any party (Ahmad et. al., 2022). Rights-based approach should be used to ensure the protection of the interests and welfare of persons with disabilities, including matters involving education (Krishnamoorthi, 2022).

According to the statistical records of registration of persons with disabilities by state in Malaysia, a total of 646,855 persons with disabilities have registered until March 31, 2023 throughout the country. The Persons with Disabilities Policy at the Department of Social Welfare, Ministry of Women, Family and Community Development (KPWK) was established

and four main objectives were set; (1) to provide recognition and acceptance, (2) to ensure that persons with disabilities enjoy the rights, opportunities and equal access under the law, (3) to eliminate discrimination against a person because of his disability and (4) to educate and raise public awareness about the rights of persons with disabilities (Raus & Nabil, 2017; Nozlan et al., 2021). However, the implementation of the Persons with Disabilities Policy requires collaborative cooperation of all parties and the involvement of various ministries, departments and agencies as well as non-governmental organisations, academics, medical experts, social workers, volunteers and the public (Omar, 2021).

The Ministry of Education (MoE) through the Malaysian Education Development Plan (PPPM) 2013-2025, which was launched in October 2011, aims to comprehensively study the national education system in order to enhance the country's aspirations in preparing the young generation to meet the needs of the 21st century. PPPM through three Phases; (1) 2013-2015, (2) 2016-2020 and (3) 2020-2025 provides the best quality of education for all, including students with disabilities (Amin & Yasin, 2016; Alwayi & Hashim, 2021). According to San (2022), MoE had taken the initiative to introduce Inclusive Education officially in Malaysia in 1995, a year after the conference in Salamanca (UNESCO, 1994). This effort is one of MoE's efforts to improve the existing special education services, including offering the Standard Curriculum of Primary Schools (KSSR), Islamic Education in Special Education. This is to ensure the spiritual development of students with disabilities is also given priority in accordance with the National Education Philosophy and achieving the objectives of the Persons with Disabilities Policy (Dzulkifli & Suhid, 2018; Razuan et. al., 2019).

The role of Universiti Sains Islam Malaysia (USIM) through the Faculty of Quran and Sunnah Studies (FPQS) and the establishment of the Ibnu Umami Maktum Research Centre (UMMI) as early as 2010 has increased community awareness, especially among students of Islamic Studies. This is achieved by offering a compulsory faculty course, namely Application of Braille in Quran and Sunnah Studies (QNR3013) as early as 2008. Looking at the issues and challenges faced by persons with disabilities in obtaining religious education, UMMI took the initiative to collaborate with a Non-Governmental Organisation (NGO), namely the Foundation of Quranic Education for Special Children (Yayasan FAQEH) to establish the secretariat Sahabat FAQEH USIM (SaF@USIM) as early as 2015. This effort aims to produce graduates who are passionate about da'wah efforts involving persons with disabilities, in addition to UMMI's main role as a leader in assistive technology and inclusive innovation based on the integration of *Naqli* and *Aqli* knowledge (Razuan et al., 2019). Yayasan FAQEH also established a special curriculum that was recognised as a National Innovation Award (AIN2014) finalist for the service category - the innovation of Quranic education for persons with disabilities (QurANIS) through the 'Madrasah OKU' model. In 2021, FPQS began to offer an Elective Course, Application of Sign Language in Teaching Quran (QQR4183) to improve the skills of FPQS graduates in teaching the Quran to the deaf community.

Based on the explanation above, the empowerment of the disabled community – starting with the enablement and involvement of the community, especially the authority in offering an inclusive environment - is the best solution and coincides with the principles and rights of persons with disabilities. This effort is also known as the 'Twin-Track Approach' at the international level, which supports the Sustainable Development Goals (SDGs) agenda to ensure that no one is left behind in inclusive development (Kuno & Seddon, 2003; Makuwira, 2022). In Islam, this approach has been outlined in Surah Abasa:80:9-10 which brings the message of honouring persons with disabilities with religion. The episode which highlighted Prophet Muhammad's civility towards the disabled community is based on the enablement

of society and environment to empower the disabled community in various aspects, including education (Raus et. al., 2021). Ibn Kathir (2000) in debating this verse stated that Allah commanded that the Messenger of Allah (PBUH) preaches inclusively, not exclusively where he only focuses on certain groups. Al-Zamakhsyari (1988) also explained the same thing where there was exclusive treatment in preaching to the Quraish leaders who were not yet Muslim (Abasa:80:6) so much so he left out Abdullah ibn Umami Maktum, a Muslim who was visually impaired and tried to take lessons from the preaching of the Prophet PBUH (Abasa:80:9-10).

Thus, in order to explain effectively, usually a diagram in the shape of a bicycle will be used (Kuno & Seddon, 2003; Makuwira, 2022). The two wheels on the bicycle represent the two main elements; the front being community enablement and the back being empowering the disabled community. Stakeholders including policymakers, the disabled community, government and non-government organisations (NGOs) are depicted as being in the main seat as drivers or implementers. Meanwhile, the paddle or pedalling place on the bicycle represents a support system that includes services, facilities and equipment provided across both sides of the wheel. Finally, this bicycle will go to its destination, which is an inclusive society for all. This kind of system should be applied in an effort to achieve the status of a developed country, and it is one of the main components in the formation of a developed country from the aspect of social inclusion (Lang & Seddon, 1999; Raus et. al., 2021).

Findings

Knowledge is the most powerful weapon for every individual striving through life's challenges to be heftily rewarded in the life hereafter. *Shariah* as a guide in our daily lives covers all areas of life and has specific objectives and goals that must be achieved. The legal provisions in Islam guide Muslims in achieving success in both worlds. The implications of knowledge and education should not only be translated into producing students who obtain high grades, but more importantly, are rich in virtues. Islam as a holistic religion can be seen by way of developing educated Muslims, despite their physical or mental disabilities. The principle of *Maqasid Shariah* through the concept of preserving religion and intellectuality has directly enriched, invigorated and developed inclusive and dynamic teaching and learning activities without any discrimination against persons with disabilities (Yunos & Razak, 2020).

Based on the result and discussion above, it can be concluded that the mechanisms for achieving the Islamic Education sustainability goals for persons with disabilities are as follows:-

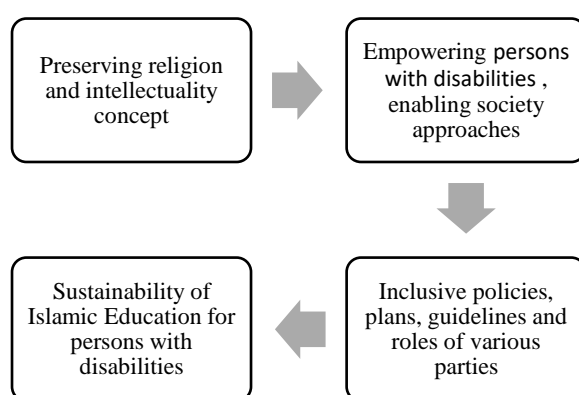


Figure 1: Summary of the relationship of sustainability of Islamic Education for persons with disabilities through the Principle of *Maqasid Shariah*

Conclusion

In conclusion, this study found that the concept of preserving religion and intellectuality is the guiding principle in ensuring the sustainability of Islamic Education among persons with disabilities. This is in line with the objective of *Maqasid Shariah*, which is to attract benefits and reject harm. This requires continuous efforts in realising the twin-track approach, which is an effort towards the empowerment of persons with disabilities, which is also supported by community empowerment and involvement. Existing inclusive policies, plans and guidelines need to be implemented more proactively by looking at the benefits to the disabled community. Therefore, the role of various parties, especially towards strengthening inclusive Islamic institutions and offering programs towards empowering the disabled community starting with mosques, needs to be increased and deserve immediate attention. This aims to bridge the gap in the accessibility of Islamic Education for persons with disabilities and ensure its sustainability through the implementation of inclusive and holistic policies and guidelines.

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