The Construction of Research Method Based on Fatwa Process: The Analysis from the Views of Experts

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Abstract
Research method is one of the most important things that can determine an outcome of a research. However, the usage of current methods that exist might cause differences or inaccuracy in getting desired results or outcome. This article is written to inspect the method of research based on Islam by going through the structure that can be found in the fatwa processes This research has two main objective which is to identify the method of research conducted based on fatwa followed by the analysis of several views from mufti regarding the efficiency and suitability on the application of fatwa process in Islamic based research. This study is a study of qualitative method by implementing and conducting structured interviews towards academic experts and some of the mufti in Malaysia. The acquired study indicates there are four methods contained in the appropriate fatwa process expressed in the methods of inquiry. Four of these methods are al-taswir al-takyif, al-ahkam and al-issuing fatwas '. The results of this study also found that, the methods contained in this fatwa based process can also be applied in methods of modern research. Thus, one of the construction about the method of inquiry based process need to be realized based on fatwa process in order to produce a study desired in accordance with Islam and Muslims.
Keywords: *Islamic Research Methodology, Fatwa Process, Method of Analysis, Mufti Views*

INTRODUCTION
In current research methods, there are some drawbacks that must be overcome. Seeking new alternatives to social research methodology refers to the inadequacy of conventional research methods itself. (Salleh, 2008: 134-139). Among the shortcomings often associated in social research and Islamic research are due to the difference between its philosophy and epistemology. For example, in Western philosophy and epistemology, their basic research methods are more focused on the thoughts and words that can only be measured by the senses alone. Obviously this varies with Islamic philosophy and epistemology which research methods has its own essence, namely the Quran, Sunnah, Ijmak and Qiyas. Both these epistemological differences actually will affect the perception and knowledge of researchers. The question is, will this difference in epistemology and philosophy do affect the outcome of a research?

Furthermore, one of the main factors in social research is the aspect of belief or faith of a researcher. This can be seen from the methods of social research that are capable of removing religion or theology from the observation of social reality. For example, thinking of positivism denies the existence of the supernatural based on naqli that are stated in Islam. While the value-free methods also denied the religion of the observation of social reality while it is the one(religion) who can act as a measure of a specific social reality (Salleh, 2008: 138).

In this case also, Neuman (2011: 100) also explains that the idea of positivism is the dominant trend in the United States after the Second World War. Although positivism school of thought does not involve all of the researchers, but it also has been a major influence in the country the United States followed by a huge influence or trend to the world. This opinion is also supported by Marsuki (2000: 278) who states that the flow of positivism is the dominant one among researchers on this day. Based on these arguments, what the main concerns are the effects and results of islamic research. Islam-related research will be diverted from the real path if using theories and ideas that exist in social research methods.

In addition, Mir (1991: 268) also talked about the importance of research methods. The importance of this research can be seen from the aspect of differences in research methods which Islam is the worship of Allah Almighty. While in terms of scientific research methods also, at times, denied the existence of God but believe more than one of absolute power as God. Thus, this difference will lead to conflict in the research, especially involving religion and belief. This deficiency can be seen at the same time bringing the issue to the researchers primarily relating to Islam because of the conflict that occurred in epistemology.

Thus, with the various shortcomings in the system of social research that are used today, a study should be conducted in order to establish a research methodology which are based on Islam. This is to replace social research methods. Studies such as this will also add accuracy and produce a high quality research that is based on Islam from the start until the problem is resolved.

METHODOLOGY
This study uses document analysis method to obtain a clear picture of the fatwa process-based research methods. The works of classical and contemporary works are cited to explain the research methodology and fatwa process. Moreover, interviews of academics and muftis in Malaysia were also conducted to solicit their views on the fatwa process-based research methods.

The results of this data collection will be analyzed using content analysis. Content analysis was used to examine and clarify the interpretation of the document. According Krippendorff (2004: 18) and Yusof (2004: 34), analysing the content is a research technique to draw conclusions in a systematic and objective data through the form of documents. While Marican (2005: 170) and Lebar (2009: 146) defines content analysis as an explanation that

examine systematically the content of a written text. This coincides with data collected from documents related to research methods, fatwas, and transcription of data from the interviews that were conducted

METHODS OF RESEARCH BASED ON ISLAM

In discussing the research, methods of the research is one of the items that need to be emphasized especially methods of research involving the sources of Islam. This needs to be intensified and discuss as the investigation are not yet fully applied in the investigation. Al-Buti (1990: 56) also explains the rules of Islamic research has actually existed since the golden age of Islam, but to implement them need to be seen to the current needs of research methods so that Islam is more visible and seen in the context of research today. In general, Islamic research methods is a method that has the source of its own. The sources referred to is the Quran, Sunnah and Ijtihad. All three of these sources can provide solutions to the issues and problems that arise whicle conducting a research (Anwar, 1994: 252).

In addition, among other features that show the difference from social research methods, there are three criteria that must be met in Islam research methods. First, the need to combine science and argument with science followed by *naqli* proposition. Second, it must be based Islamic tasawur and epistemology. Third, the method are used by Muslim researchers to carry out studies only on Islam and Muslims. Islamic research methods also have analytical tools that are able to analyse phenomena in Islam (Salleh, 2011: 8-14).

From another angle, the research methodology which are based on Islam is also an alternative scientific methodologies to study social science research methodology which combines classical Muslim with modern Western research methods in line with Islamic requirements. The methodology also included four features in it. First, the final conclusion was made taking into account the social groups that have not been tested its behaviour. Secondly, combining action-theory perspective with system-theory approach to avoid a static system theory . Thirdly, to avoid absolutization and ratiolization in the framework of the research because it involves the source of revelation. Fourth, explain all forms of study such as ethics and reality is cultural (Safi, 1998: 16).

METHODS OF RESEARCH BASED ON FATWA

Based on the discussion, fatwa and research have one thing in common which is synonymous in that it is used to solve the current problems faced. Since the fatwa has long existed, and used in accordance with Islamic philosophy and epistemology, the study of research methods to build this process should be implemented. It is important to resolve the inadequacy of the existing research methods prevalent nowadays.

Figure 1:Fatwa process

According to the Dar al-Ifta 'al-Misriyyah (2011),' Ali Jum'ah (2006), Abd Rahman (2008) and Mahmud (2009), penfatwaan process is divided into four stages. All four of these processes are described as follows:

The first process are namely al-Taswir: In the al-Taswir every question are put forward by the petitioner (the questioner) to the mufti, but it has been figured prominently through a variety of processes. What is meant by the description `is that the mufti need to understand and examine the problems faced while taking into account of consideration about the current situation. For a mufti, before an action should be taken in describing problems which occur, mufti need to see the four aspects of the fatwa processes, which is the time, place, people and atmosphere ('Ali Jum'ah, 2006).

The second process, namely al-takyif: In the al-takyif, it is a stage of trying to match each problem that arises with the problems that are already existing using sources of authority ('Ali Jum'ah, 2006). This process is also known as al-takyif al-fiqhi which is a process of categorization problems into the theme and appropriate fiqh discussion herewith. For example, when the mufti given questions related to banking, he will categorize the problems into the scope of transactions, or put the matter to a contract that has been discussed by scholars or even yet to be discussed. This process is important to use because if there is an error in the scope of the problem, it will make a ruling issued inaccurate and also can change the laws of a problem (Syabir, 2004).

The third process is namely al-Hukm: In this stage, as initially it started with collecting evidences on the issue of resources which are then taken followed by moving on to the analysis before a ruling is decided. This step shows the mufti identify any problems and pledged to respect the arguments of the sources whether it is agreed or not. If there is no agreed upon the Islamic law, the examination process should be implemented. In this process, a mufti also must know the order of priority of each arguments starts out with the Quran, Sunnah, consensus, analogy and so on methods ('Ali Jum'ah, 2006).

The fourth process are namely al-Ifta ': After completion of the study and determination of the law implemented based Islamic texts or ijtihad, the mufti must make a final study to the verdicts which will be issued to the questioner or the local community. This study is intended to look at the consistency of the fatwa by the Islamic sharia. In addition, fatwa mufti decided not to drop the values and objectives of the syariah must not conflict with the texts Qat'i. If there is a conflict with the foregoing, the mufti should make a review of the ruling, which will be decided until a ruling is perfect and meet the demands of Islamic law. When all was done, then a fatwa can be decided or established by national legislation ('Ali Jum'ah, 2006; Abd Rahman, 2008).

THE ANALYSIS OF EXPERT VIEWS TOWARDS THE METHODS OF RESEARCH BASED ON FATWA.
Generally, this section discusses some of the analysis of the views of respondents who are muftis and academic scholars. Every question asked is about the fatwa based research methods. Discussions are discussed in this section is focused on respondents' views based research methods fatwa process. Therefore, all of the views of respondents were assigned to the codes of its own and here are the results of interviews conducted.

Code	Respondent's name
M1	Sahib al-Samahah Dato' Dr. Zulkifli Bin Mohamad Al-Bakri (Mufti Wilayah Persekutuan Kuala Lumpur)
M2	Sahib al-Samahah Dato' Hj. Mohammad Shukri Bin Mohamad (Mufti Negeri Kelantan)
M3	Sahib al-Samahah Dato' Hj. Mohd Yusof Bin Hj. Ahmad (Mufti Negeri Sembilan)
M4	Sahib al-Samahah Datuk Hj. Bungsu @ Aziz Bin Hj. Jaafar (Mufti Negeri Sabah)
M5	Sahib al-Samahah Dato' Dr. Hj. Wan Salim Bin Wan Mohd Noor (Mufti Negeri Pulau Pinang)
A1	Dr. Othman Bin Talib (Pensyarah kanan dari Fakulti Pengajian Pendidikan, UPM)

The analysis of respondent's views towards the benefit of fatwa process
In general, the fatwa has been happening since the arrival of Islam. Based on the history of the time of the Prophet, an era has revealed the Quran as a source of law. He himself has explained to his companions regarding the role when it comes to the various issues and problems related to religion and religious issues among them (Wan Mohd Khairul Firdaus Wan Khairuldin, 2014: 6). In the context of today's research, each study should be associated in advance with the problems that arise (Marican, 2005: 77). Coinciding with the process of the fatwa, respondents M1 and M5 stated processes contained in the fatwa is a process of Islamic research which is a good practice in order to find a solution because of the grandeur of revelation, which is based on the texts of legislation or law that could be used as a backup or force, M2 respondents

added that this should be continued in today's research because most previous figures, they also create research that is rooted in the fundamentals of Islam.

This statement was also supported by a responder M4, as he state that Islam has basically research of its own. Basis is defined, as religion and belief is one of the important aspects to be taken care of. This is because, Islamic research is a process of investigation that could find a real evidence and cannot have an independent value or positivism (bias). It is also recognized by Salleh (2008: 138), revealing the methods of social research can be dangerous to the faith of researchers, namely by setting aside theological or religion of the observation of social reality. In discussing the importance of research methods, there is little difference between the methods of investigation which is to serve God Almighty which is One and only compared the methods of scientific research which sometimes deny the existence of God. Furthermore, in social research methods are sometimes believe more than one of absolute power as Lord (Mir, 1991: 268).

In addition, there is a difference of opinion about the advantages of this fatwa. M3 respondents gave a slightly different view of the respondents before this by stating:

"The advantage of this process coincided with the ruling Islamic law because it involves Islamic laws"

According to a brief statement submitted by the respondent M3, it can be concluded that Islamic law is not very different from the law of Allah as it must involve a clear source of God which is the Quran. Furthermore, each room being discussed in the Quran is also related to every aspect of human life, such as faith, morals, family, transactions and (Juned, 2013: 3).

Based on a discussion of the advantages of the fatwa, Islam has a different way to anything contained in conventional research methods. The use of resources involving the Quran and al-Sunnah, consensus and analogy Islam has demonstrated not arbitrarily produce a finding by using logic alone. All results must be confirmed by the arguments available to coincide with the revelations of Allah.

The analysis of respondent's view towards the relationship between mufti and researchers
Mufti is an faqih and mujtahid individual that is responsible for delivering and preach the law of Allah on the issues and arising problems (Hasan, 1998: 276; al-Hafnawi, 1995: 319-320 & al-Mallah, 2006: 11). To appoint an individual as a mufti, Islam has set certain conditions to qualify individuals to become a mufti. Most Islamic scholars have argued, there are four main conditions that need to be owned by the mufti. According to al-Asyqar (2004: 108), the first condition is that one must be Muslim. Secondly, the mufti also be appointed from among mukalaf (Sanu, 2000: 440). Thirdly, a mufti should have the nature of *al-'adalah* (honest). Fourth, the appointment of a mufti also must be appointed from among the mujtahid themselves. In the context of research, researchers will also must produce good quality

research results and are able to solve the problem. According to Chua (2006: 23-33) and Yahya et al., (2006: 14-15), in social research methods, ethics very closely with the researchers themselves. The ethical question is, a researcher must be honest, fair, patience, tolerance, and value-free.

Whereas in the context of this study, the relation exists between the mufti and researchers. The relation meant is defined in terms of the criteria between the mufti and ethical researchers. Both have the same goal in research methods. This has been acknowledged by respondents M4. M4 respondents view that in the context of modern date, the mufti also to be said as a researcher. This statement was also supported by respondents who thought that the mufti M1 and researchers have a very good relationship. Researchers are needed because they are capable of researching on the view and so on. While the tendency is more towards mufti discussing about comparative law. The are possibility of both is to have difference from the point of view or a decision but in which there are a number of advantages. This has been stated by Razali, Ramlah and Hashim (2007: 29), it is closely related to the context of human hearing. Since people have different backgrounds, the result of the work done will be different. Similarly, the mufti and researchers. While there are differences in terms of the work that has been done, but from the angle of research methods will produce something useful for society as a whole.

In addition, there are a view of a respondent stated about the needs of a researcher in mufti institutions. The Respondent were respondents M2. In fact respondents M2 stated that the main reason mufti's office requires researchers are for the purpose of research. This means research by research done solely to get the right decisions and authentic. Therefore, respondents M3 are equally clear, if there is a lack of research that has been carried out by the ruling party, the next step is that they will cooperate with the local university to conduct the research. In view of this M3 respondent, it can be explained that the relationship between the mufti and the researchers is the same. The equation meant here is about the angle of the work involving research. Any research conducted by the mufti and researchers, both requiring the results and decisions of the issues and problems studied. As Mad Shah (2003: 62) and Goddard and Melville (2003: 62) states, the authenticity of data is an aspect that is emphasized in the research activities. This is because, every decision or findings obtained will have an impact on other human

Accordingly, M5 respondent give their views on the role of mufti and researchers. In his statement, the respondent M5 said that, from the point of the role assigned to the mufti and researchers actually it bear a heavy responsibility on them to explain a problem. Therefore, in the context of the ruling to get the correct ruling requires the proper research methods. Thus, the mufti need to conduct research as it can help the process of determining a verdict.

However, there are some slight differences in the views of respondents regarding the relationship mufti and researchers. A1 respondent in his statement had said,

"Not only mufti considered as researchers but all of them are researchers. Only mufti have more responsibility to remove the law. "

A1, again continued

"For any issue, not just need an answer from the mufti alone, it might be necessary to gain other views. Mufti may also not know. When there is a change, evidence are also needed from common research other than what have been done by the mufti. "

Referring to the discussion about the relationship between the mufti and the researchers has concluded that despite the differences that occur between the two methods of investigation, the matter has actually opened a space to complete each other needs. The possibility is that there is no basis in research methods which can be consulted in the common fatwa research process. In addition, it will also provide a process and a work which will produce a desired results that correspond either to research or research-based Islam prevalent.

The analysis of respondent views in replacing the usual method of research to the fatwa process of research.
In this part of the whole to discuss the extent to which the views of respondents to the replacement of conventional research methods research methods based on the fatwa. As we know, the research process that occurs in a fatwa and common research describe same steps exist between the two. Of identifying issues and problems, how to solve the problem and so do the analysis is the same step in any research methods. As such, discussions about the application of research methods based on the fatwa has been collecting various views are almost the same but there is also little difference in it reason and argument. M1 and M3 according to the respondents, two respondents expressed agreement on the issue of replacing the conventional research methods to research methodology is based on Islam. Here are the statements of the respondents:

M2 respondent said:

"Yes, but that does not mean to set aside the usual research methods".

M4 respondent argued:

"Agree when this method is used to strengthen the research methods istiqra '. Not agreed to replace the West because there is also a method like this and perhaps more detail ".

M5 respondents opined:

"Not rejecting emperical. Because it is also founded by Islam as well. Islamic scholars also do conducted a study based on statistics. This is because, the West also studied with Muslims. Westerners intellectual resources are also from Islamic sources ".

Referring to the statements above, it can be concluded that all three respondents expressed approval for the use of research methods based on Islam in current research methods . However, in spite of the fact described, all respondents felt that common research methods is an aspect that ca not be ignored in any form of research undertaken. It is also noted by respondents A1. In his statement, there is little difference in the approval replacing conventional investigation. He believes, to replace the existing research methods and Islamic research methods is an impossible thing. For example, in a fatwa, a ruling cannot be used as a form of research methods. This is because, the possibility of what is contained in the fatwa should be reinforced with arguments and tools that use a common source of research methods. For example, the use of questionnaires. If the elements contained in the questionnaire does not contain the elements of Islam, of course, results will be available but it will not result in a finding that contain Islamic elements. If the process contained in the fatwa to be used and replaced with common research methods, it would be less appropriate for the present time. It is al stated by respondents A1.

In respondents A1 statement, he explained:

"I said it is not right and I did not agree to it. Okay. So we are now not going to build a new process to strengthen the review but we need to go back to revive what's already there continue but this time is to take the account processes involving Islam. The laws and rules. That's what we take our account for. I have no issue with it but the elements in the process, for example using a questionnaire, it is indeed not a problem to use a questionnaire but how about of the items that were asked. Maybe it will produce answers that bring the results of its implementation are not in accordance with Islam. The measuring device is not problem, ok?.. Just what is measured which we have to take into consideration, so mufti also had to create a questionnaire, right? ".

Based on the information provided, both research methods of social research whether Islamic or research should be side by side. In the context of today's research, the research system set by the West really affect the research system. It is also recognized by M4 respondent stating that M4, the West is likely to also have their own way or even more closely in terms of research. Therefore, in terms of common research methods and Islamic is a matter that must be integrated. A1 respondents also stated that both methods are mutually dependent and reinforcing.

A1 respondent also stated that

"We prefer or more comfortable using the word complimentary... Because resolving this need rational. Islam also permits rational. Which requires expert and expertise... Islam does require expertise, as well as with conventional research methods also need expertise. Expertise is needed in order to build instruments for making the interpretation, modelling, module, what ever it is. Ok. So if you replace it, I think our job is not to replace parts. As our life is a life that is built based on knowledge. Islam has its own discipline. Westerners also has their own discipline. The difference is that the west does not use Islamic disciplines. But that does not mean that what is normal is not right. Even the fact that the commons are the one who smooth down for Islam. Islam also may recommend general forms. The same thing also goes with many Muslims who also propose common forms but confirmation is a must to the expert. So if the word replace was not appropriate. Why would we want to change it, right? I think maybe he was complimenting it. Full complement, maybe there is one area that is not yet visible to the west.

Therefore, in carrying out any research, the main thing that should be the aspect measure should be referring to individuals who are researching. Researchers are essentially an important elements that need to have an ability to manage and resolve issues and problems of the study. For example, for Muslim researchers, among the things that need to be considered is the extent to which these researchers have the ability to conduct a research. According to Wan Mohd Khairul Firdaus Wan Khairuldin (2014), there are four key areas of measurement for Muslim researchers. First, to have a Muslim faith. Second, the eligibility to act. Third, fair and Islamic morals and fourth is to have the ability to conduct a research.

CONCLUSION

Discussion about research methods is not a common thing. Undeniably, research methods actually affect a study. As the preceding discussion, the importance of research methods will have a more solid results when a researcher is able to use the right method of line with the objectives to be achieved. As in Islam, its research methods have long existed and is very suitable to be applied in research methods today. Moreover the research methodology involves the study of Islam and Muslims. Methods contained in the instruction process between the methods is very closely linked with social research methods. Apart from having the advantage of its own resources, it also has a measure similar to the methods of social research. Such measures include al-takyif, al-Taswir, al-Hukm and al-Ifta '. In addition, the views of experts explained that the fatwa is also among the methods that can be used to solve the problems that exist in our society today.

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