

<a href="https://doi.org/10.24035/ijit.25.2024.292">https://doi.org/10.24035/ijit.25.2024.292</a>			
Received:	22 Nov. 2023	Accepted:	28 January 2024
Revised:	13 January 2024	Published:	15 June 2024
Volume:	25 (June)	Pages:	136-151
<b>To cite:</b>			
Siti Aishah Zainudin, Shahir Akram Hassan & Wan Mohd Khairul Firdaus Wan Khairuldin. 2024. Systematic literature review of the research design based on fatwa methods. <i>International Journal of Islamic thought</i> . Vol. 25 (June): 136-151.			

## Systematic Literature Review of the Research Design Based on Fatwa Methods

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### ABSTRACT

*This study conducted a systematic literature review on the fatwa-based research design. The fatwa process seen can be utilized when building a research design in Islamic-based research methods. There is yet to be a systematic literature review conducted on existing studies regarding a research design based on the fatwa process. Can the fatwa method be applied as an Islamic-based research design? The objectives were to identify and analyse literature related to fatwa and research designs in Islamic-based research by using the systematic literature review method. Based on ROSES publication standards, three databases, namely Scopus, Google Scholar and Dimensions, were chosen to search for articles dating from 2014 to 2020. A total of 824 reference materials containing the keywords 'research design', 'research' and 'fatwa' were found, but only 10 were analysed after passing the quality appraisal process. This study found three themes, namely Islamic research methods, research design elements and the fatwa method. Construction of the fatwa-based research design is a new branch of science still in its early stages and requires extensive research. Therefore, this study suggests that the desired research design should rely on Islamic tasawur and epistemology, which is based on the fatwa method and uses the systematic literature review method.*

**Keywords:** *Epistemology, fatwa, Islamic research methodology, research design, tasawur.*

The research design is important because it provides a pattern for the study and determines the data collection method that will be adopted by the study. Leedy and

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Ormrod (2001) defined research design as a study plan as well as a framework for collecting data. MacMillan and Schumacher (2001:166) defined research design as a plan for selecting subjects, research locations, and data collection procedures to answer prescribed research questions. They pointed out that the purpose of a good research design is to provide valid and reliable results.

There is a need for an Islamic-based research design due to the lack of tools needed to fully comprehend the actual reality in the research world. The study of Islam itself today is exponentially spreading the message of Islam. However, due to limited tools, the research conducted cannot achieve comprehensive and accurate findings. Muhammad Syukri (2008) explained that the reasons for Islamic-based research are firstly because conventional worldview (*tasawur*) and epistemology are different from that of Islam. Secondly, it is an inadequate tool for understanding social reality and thirdly, it can dislodge faith. Therefore, it is entrusted upon Islamic researchers to find accurate and reliable data sources to build a more comprehensive Islamic framework in the world of research.

According to Mohd Syahmir (2014) and Shahir Akram and Mohd Syahmir (2017: 22), the Islamic research method is defined as a combination of *daruri* and *nazari* knowledge as well as *'aqli* (conventional) and *naqli* (revealed) knowledge (*dalil*), while assuming that Islamic epistemology and *tasawwur* are the main pillars in the research framework focusing on Islam and Muslims. Therefore, this present study intended to build a research design using the *fatwa* method (fatwa-based research design), which is one of the branches of knowledge in *usul al-fiqh*. Al-Zuhailiy (2001) explained that *usul al-fiqh* is a collection of methods and principles used by the *fuqaha'* to establish decrees by refining *syar'i* arguments. Hence, this study used the *usul al-fiqh* method to form a fatwa-based research design. However, the use of this method is still at the introductory stage and is yet to be applied in academic research and studies. There is an emphasis on prioritizing the use of *usul al-fiqh* principles in research, including research related to Islam, from a social perspective (Mahmood Zuhdi 2005a).

A fatwa is a response by a mufti, qualified Islamic jurist or religious authority when a question is posed based on the rules of fatwa established by Islam. Some studies have provided a general overview of a fatwa, such as al-Harrani (1984: 4), Khalid Ramadan Hasan (1998: 205) and Qutb Mustafa Sanu (2000: 312). Noor Naemah (2003: 45) defined fatwa as an informational response to a question posed by an individual or entity. In other words, when there are questions or concerns, there should be a fatwa issued to address the question or concern. In particular, issuing a fatwa is a process that begins with a question or issue and settled by the issuance of a fatwa as a form of solution or clarification.

Therefore, this article aims to systematically review and determine if previous studies are related or have focused on a fatwa-based research design. Systematic literature review is one of the research methods or processes used to identify and critically evaluate relevant studies, as well as to collect and analyse data from these studies (Snyder 2019). It is important to identify the various fatwa methods as it is one of the components in *usul al-fiqh* that can be applied as a research design in an Islamic-based research.

There are several studies that have adopted the fatwa process approach as an Islamic research method. Mahmood Zuhdi (2005a) proposed that *usul al-fiqh* should be the preferred research method when examining a *hukum* (arbitration, judgement, authority, or God's will). Since the majority of fatwa concern debates on *usul al-fiqh*, this study has some relevance because it focuses on the same objective. In addition, Mahmood Zuhdi (2005b) also explained the link between various fatwa and research. Daud (2007) supported this link, namely the use of *usul al-fiqh* that employs the hierarchy of Islamic legal sources in a correct and organized manner. Besides that, other studies under this theme include studies by Shahir Akram (2014), Nur Ilani (2012), Mohd Syahmir (2014), and Mohd Syahmi (2014). Shahir Akram (2012) studied the use of Islamic logic methods, namely *mantiq*, in Islamic-based research methods. Nur Ilani (2012) had examined epistemology and philosophy in Islamic algebra, which was later used as a data analysis method, while Mohd

Syahmir (2014) examined Ibn al-Haytham's scientific concept. Mohd Syahmi (2014) studied the *dilalat* method as a data analysis technique, while Wan Mohd Khairul Firdaus examined the application of the fatwa process in Islamic-based research methods and Abdul Hanis (2017) studied the interpretation (*tafsir*) method in Islamic-based research methods.

Systematic literature review (SLR) is one of the literature review (LR) methods that identifies, selects and evaluates articles and documents that are intended to be included in a review process for answering pre-set research questions (Dewey & Drahotra 2016). This is a convenient method compared to the traditional method, namely LR, with the main difference being the methodology. SLR has its own methodology, while LR is usually unsystematic. LR thoroughly reviews articles through manual searching, handpicking or snowballing. This search is not comprehensive and most researchers who use the LR method will only review the articles or documents they find and can be downloaded without the need for any systematic protocol. Moreover, no quality assessment is involved in LR and the articles or documents found will continue to be evaluated. According to Kraus et al. (2020), this method will lead to bias and subsequently affect the quality of the assessment.

This present study did not find any previous study that focused on the systematic literature review method when reviewing existing literature. The study question mentioned earlier referred to whether the fatwa method can be applied as an Islamic-based research design? Based on this question, the systematic literature review method is an appropriate method for identifying and critically evaluating previous studies that examined the fatwa-based research design as an Islamic-based research method. This study used a systematic literature review method, which is a process that highlights literary works and articles related to a fatwa-based research design that employs appropriate techniques and steps to identify and critically evaluate previous studies. This process is convenient for researchers when thematically identifying and examining pertinent literary works. Based on this process, this study identified gaps in the study and determined future research needs for an Islamic-based research. The justification for using this method is that it is appropriate and relevant for systematically evaluating all studies related to a research design and fatwa method on a yearly basis, thus, explaining the research gap from a particular perspective.

## METHODOLOGY OF THE STUDY

### The Review Protocol - ROSES

This study was guided by a review protocol called *RepOrting Standards for Systematic Evidence Syntheses (ROSES)*. According to Haddaway (2018), this guide is commonly used in the health and environmental management fields. However, ROSES was also developed to accommodate a variety of methods and can be used in various types of research. ROSES has the advantage of carrying out a systematic literature review because it has several structured stages, beginning with the designing of research questions, followed by the process of searching, screening, data extraction and critical evaluation of selected articles. Therefore, ROSES, as a guide, is appropriate for this study as it can help identify the fatwa-based research design through several stages, beginning with the initial stage of constructing the research question(s). Next, a systematic search was carried out through the identification, screening and eligibility processes, followed by the quality appraisal, data extracted and finally, an analysis of the selected articles.

### Formulation of Research Questions

The research question designing method was based on the PEO (**P**opulation, **E**xposure and **O**utcome) method. The population in this study was the existing research design

population. Exposure, on the other hand, aimed to reveal that the fatwa method could replace the existing research design. Outcome of the study showed that the fatwa method can be used as a research design in Islamic-based research. Next, the study systematically searched for literature to identify research literature related to the research design and fatwa method used in Islamic-based research. Hence, the research question is whether the fatwa method can be used as an Islamic-based research design.

### Identification

This study used three databases to carry out the systematic literature review (SLR) in order to identify whether the fatwa method can be a research design. The main database was *Dimensions* because it covers a wide range of fields, such as health science, social science, engineering, mathematics, education, psychology and so on. The diverse nature of these fields indirectly facilitates the search for articles to conduct SLR. The second database used was *Google Scholar*, which is widely used because it also covers a wide range of fields and articles from *Scopus* and *Dimensions* are also published on *Google Scholar*. In addition, Harzing and Alakangas (2015) found that articles on Google Scholar are cited more often compared to the *Web of Sciences* or *Scopus* (Harzing & Alakangas 2015). Besides these two databases, *Scopus* was also chosen to further launch other data searches. *Scopus* is a database that includes almost all disciplines, such as humanities, engineering, social sciences, pure sciences etc. It contains high quality data in addition to having the most articles covering all disciplines that could reach as many as 70 million articles and books from 5000 publishers (Scopus 2020).

Formation of keywords based on research questions. Keyword selection was made through an online thesaurus as well as by reviewing previous studies. Since this is a new discovery, the use of appropriate keywords is crucial in order to obtain appropriate reference materials when conducting a systematic literature analysis. This study only used the keywords 'research design', 'research' and 'fatwa' because the chosen keywords are concise as well as to avoid searching for articles that are too general. Once the keywords were identified, the study continued to systematically search for articles in the three databases, namely *Scopus*, *Google Scholar* and *Dimensions*. As for the *Scopus* database, the search string formation process comprised field code function, phrase searching, and the Boolean operator (OR, AND). Whereas for the *Dimensions* database, the search string involved phrase searching, Boolean operator (OR, AND) and the field code function. The search process in the *Google Scholar* database involved functions such as phrase searching and the Boolean operator (OR, AND). The combination of keywords, as shown in Table 1, indicates the keywords used when searching for literature related to the research question. Searching for articles based on the databases was carried out in July 2022.

**Table 1: Type of Database and Keywords**

Database	Keywords Used
<b>Scopus</b>	TITLE-ABS-KEY ("Research design" OR "Research method" OR "Design of study" OR "Research Approach" OR "Study method" OR "Mode of Inquiry" OR "Diagnostic technique") AND ("Fatwa" OR "Islamic research" OR "Islamic rules").
<b>Dimensions</b>	"Research design" OR "Research method" OR "Reka bentuk kajian" OR "Mode of Inquiry" OR "Diagnostic technique" OR penyelidikan) AND ("Fatwa" OR "Islamic research" OR "Islamic rules") AND NOT (takwa*).
<b>Google Scholar</b>	("Research design" OR "Research Approach") AND (penyelidikan OR penyelidikan Islam) AND ("Fatwa" OR "Islamic rules").

Search results were based on the keywords above and 824 articles were identified (620 from *Dimensions*, 189 from *Google Scholar* and 15 from *Scopus*). After all the articles were obtained from the selected databases based on the keywords used, the study continued with the second process, which is screening.

### Screening

In this second process, all 824 articles were screened based on several criteria, such as type of literature, period/date of publication, field of study and language. The type of literature selected was journal indexes and theses. Journal index is the indexing of records that include journal titles, bibliographic information and quotations or citations. The journals listed were chosen from *Ulrich*, *Scopus*, *EBSCOHost*, *ProQuest*, *DOAJ*, *ERA*, etc. Likewise, theses were selected if they had comprehensively discussed a chosen topic. Therefore, the type of literature was limited to journal indexes and theses so that the results of the analysis would be more impactful. The screening process also took into account the period/date of publication. This is consistent with Okoli (2015), who stated that one of the criteria for the screening method is to determine the time frame. Therefore, based on the book by H. Abuddin Nata (2008), studies related to Islamic research methods were given preference in that book, but it only briefly outlined the efforts and approaches of previous scholars.

The development of contemporary literary work began to expand in 2010. Thus, considering this aspect, this study only accepted articles published from 2014 to 2020. In addition to the time frame, data were limited to that from the field of social science and focused only on materials published in English or Malay. Selection of the introductory language in literary works was limited to only two languages, namely English or Malay, as this will make it easier for researchers to understand the essence of the study for each selected reference material. According to Okoli (2015), a researcher can only effectively examine an article written in a language that is easily understood. Table 2 shows four selection criteria chosen for this study.

**Table 2: Screening Process**

Criteria	Inclusion	Exclusion
<b>Type of Literature</b>	Indexed journal and thesis.	Non indexed journals and chapter in book.
<b>Language</b>	English, Bahasa Malaysia.	Non-English (except Bahasa Malaysia)
<b>Publication period</b>	Between 2014-2020.	<2014
<b>Area of Focus</b>	Social science.	Non social science.

Articles involved in the screening process were selected according to the type of literature, such as journal indexes and theses. They were selected using a search string involving three databases, namely *Dimensions*, *Google Scholar*, and *Scopus*. The snow-balling method was used to increase the number of research sources.

The screening process had successfully screened 110 articles after excluding 22 articles that were found to be redundant. The backward snowballing method was used for the thesis searching process. According to Webster and Watson (2002), there are three steps involved in the snowballing method. (i) Starting with a thesis, leading journal or conference proceedings to obtain an initial set of papers. (ii) Checking the list of references found on the back of the literature. The first and second steps are continuously repeated until no new literature is found. (iii) Identifying articles related to the previous article. Hence, two theses were selected, thus, creating 112 reference materials in total for the eligibility process.

### Eligibility

At this stage, there were numerous articles that discussed the study design, but the focus was not on research and fatwa methods because this study aimed to examine the fatwa-based Islamic-based research design. The eligibility process continues by limiting some aspects, namely discussion on the fatwa method and research design in Islamic-based research. This process looks at the entire text while focusing on the research questions. Subsequently, 10 reference materials were found to be consistent and related to the research questions. Since this is a new science that is still being explored, most of the

reference materials were from the same author. After the eligibility process was completed, the study continued to examine the selected articles. Out of the 10 reference materials selected, 8 were journal articles and 2 were theses. The selection of these reference materials was limited due to the lack of published materials since the method in question was still new. However, before carrying out the analysis, the reference materials went through a quality appraisal process, which is discussed in the next subtopic.

### Quality Appraisal

In order to ensure that the selected articles have quality content, the articles needed to be evaluated. The evaluation was carried out by the three authors who were guided by the recommendations adduced by Petticrew and Roberts (2006), whereby the evaluation should depend on the research method used and whether the article is a high, medium or low impact article. Thus, only high and medium impact articles were evaluated and later analysed. Out of the 10 reference materials that were subjected to the screening and data extraction process, 6 articles and 1 thesis were categorised as high impact and 2 articles and 1 thesis as medium impact. All the articles and theses were then subjected to the data extraction and analysis process.

### Data Extraction and Analysis

In this study, data extraction refers to the process of extracting data from articles after they have undergone the quality appraisal process by the researcher. This process is based on the research questions that had been constructed and later analysed. This qualitative study used qualitative and mixed methods to collect and analyse data. According to Whittemore and Knarl (2005), the best methods to analyse data are the qualitative and mixed methods. Both these methods were used to compare repeated data and to analyse articles related to the subject matter of this study. The thematic analysis was used to build themes based on the articles that have been analysed. According to Flemming et al. (2018), the thematic analysis is the most appropriate analytical technique for this study since the latter performed a qualitative synthesis using mixed research designs. The 10 reference materials were collected and categorised according to the same sub-theme. The researcher had developed three themes, namely 'Islamic research methods', 'research design elements' and the 'fatwa method'. The thematic analysis began by developing themes. In this stage, the researcher identified patterns based on the search of selected articles, with each article based on the same category and each category having three main themes.

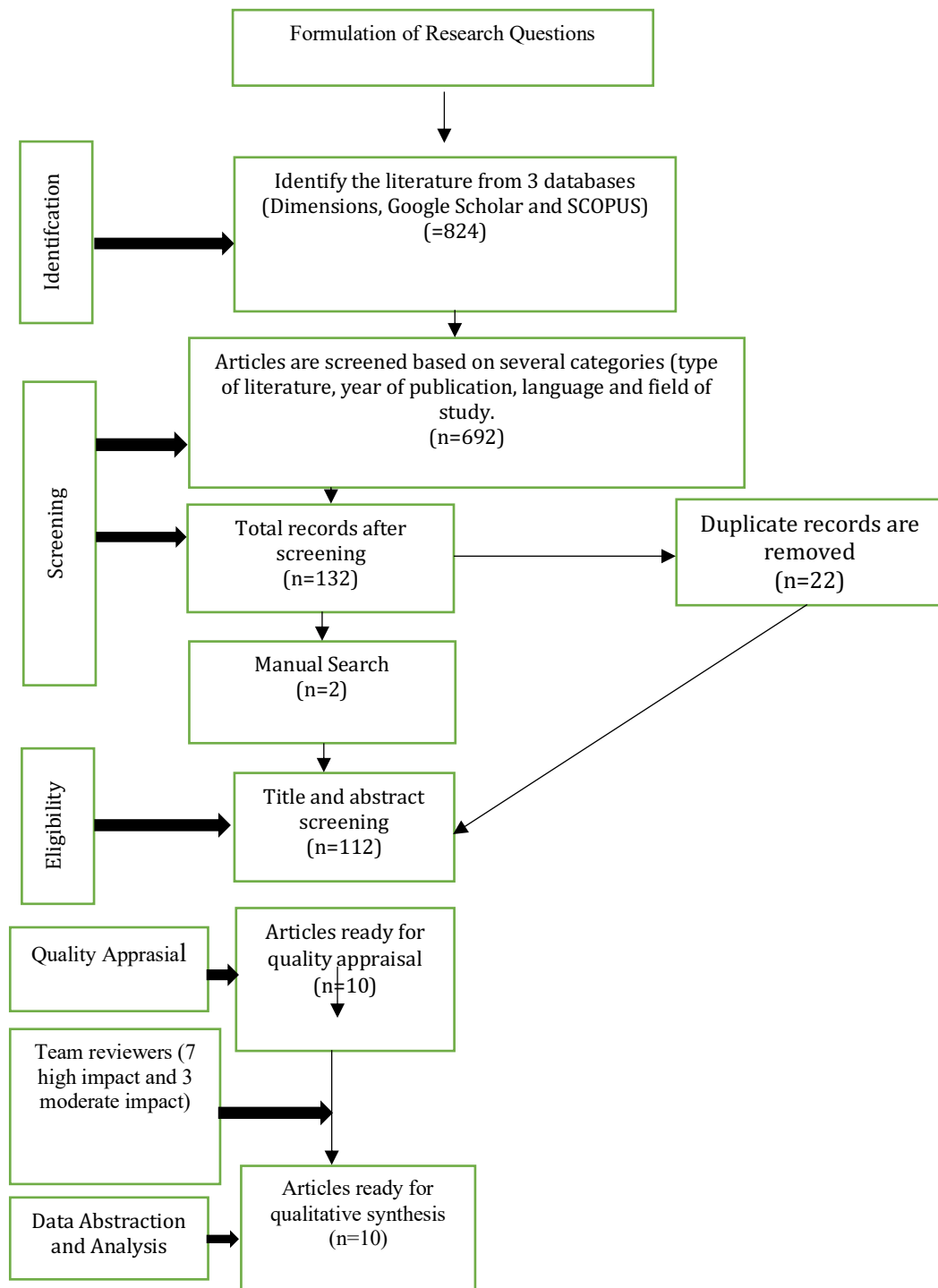


Diagram 1: Flow of a Systematic Literature Analysis (Adapted from Shaffril et al. 2019)

## FINDINGS

Based on a systematic search, 10 reference materials were selected for analysis, namely one each from 2014, 2015, and 2016; three from 2017, and two each from 2019 and 2020. Results of the analysis on the 10 reference materials consisting of articles and theses found three main themes, namely 'Islamic research methods', 'Research design elements' and 'Fatwa method'. This is shown in detail in Table 3 below.

Table 3: A Summary of the Analysis of Articles

Title	Author	Discussion		
		Islamic-based Research Method	Research Design Elements	Fatwa
Applying the Maqasid Al-Syariah Method in Islamic-Based Research.	Azie Zurianie (2020)	Explains the need for <i>Maqasid al-Syariah</i> to be the main framework in research, especially for evaluating the need to conduct research.	<i>Maqasid al-Syariah</i> should become the framework for evaluating the need to conduct research.	Some of the methods in <i>Maqasid al-Syariah</i> can be used, mainly to determine the study's framework.
Al-Takyif Al-Fiqhi and Its Application in Islamic Research Methodology.	Wan Mohd Khairul Firdaus, Shahir Akram, Wan Nur Izzati, Wan Khairul Aiman & Abdul Hanis (2020)	<i>Al-Takyif</i> : A method of adapting and comparing new issues with the same scope. Thus, if there are differences and still in the same discussion, the method and its theoretical past will serve as a guide. This study can be used in real research, especially in studies involving Islam and Muslims	Use of the <i>al-Takyif</i> method as a literature review before building the research design.	<i>Al-Takyif</i> is one of the methods found in <i>usul al-Fiqh</i> and based on two sources, namely the primary source (al-Quran, al-Sunnah, Ijma' & Qiyas) and the secondary source ( <i>Istihsan, Masalih Mursalah, Istishab, 'Urf, Sadd al-dharai, Shara' ma qablana</i> and others)
Strategic Management in the Fatwa-Establishing Process.	Wan Mohd Khairul Firdaus, Abdul Hanis, Shahir Akram, Mohd Faiz Mohd Yasin & Wan Nur Izzati (2019).	Explains the fatwa establishing process as well as analyses the management strategy found in the fatwa establishing process.	Applies the fatwa establishing process when forming the present research design by using established methods.	The fatwa establishing process in Islam comprises four main processes, namely <i>al-taswir, al-takyif, al-hukm, and al-ifta'</i> . These processes describe the management of a comprehensive and concrete strategy in order to avoid mistakes when determining decrees pertaining to issues faced by Muslims.
Implementation of <i>Ithbat</i> in <i>Maqasid Al-Syari'ah</i> as an Islamic-Based Research Method.	Azie Zurianie, & Wan Mohd Khairul Firdaus (2019).	Expand the framework model using the <i>ithbat</i> method found in <i>Maqasid al-Syari'ah</i> to be applied as an Islamic-based research method	Adduce a new framework model in Islamic-based research methods ( <i>Taqyim and Istiqra'</i> ) for studying problems related to Islam and Muslims so that it is consistent with Islamic epistemology, al-Quran and Sunnah	The theory related to several processes in social research methods and the <i>ithbat</i> process in <i>Maqasid Al-Shari'ah</i> . The <i>taqyim</i> process is adapted by the research question construction process.



Towards the Development of an Islamic-based Research Methodology.	Wan Mohd Khairul Firdaus (2017).	To identify the research methodology based on contemporary Islamic needs and evaluate Islamic research methods	Study the application of logical reasoning as a method in the Islamic research process. Three strategies can be applied based on logic, namely the <i>istiqra</i> (inductive), <i>qiyas</i> (deductive) and <i>tamthil</i> strategies, which have never been used as a conventional research method.	Four stages in the process of determining whether fatwa can be used in Islamic research, namely <i>al-taswir</i> , <i>al-takyif</i> , <i>al-hukm</i> , <i>al-ifta'</i> .
The Worldview on Conventional Development Theory: An Analysis from The Islamic Worldview Perspective.	Mohd Shukri (2017).	To identify the background and rise of conventional research theory and worldview, then analyse the worldview from an Islamic worldview ( <i>tasawur</i> ) perspective.	The worldview on conventional development does differ and is inconsistent with Islamic worldview ( <i>tasawur</i> ) and epistemology.	Conventional research theory cannot be used to address issues related to Islam.
Construction of a Fatwa-based Research Method: An Analysis Based on the Views of Experts.	Wan Mohd Khairul & Ibtisam (2017).	To examine the Islamic-based research method through elements found in the <i>fatwa</i> process.	Elements found in the questionnaire are void of Islamic elements; however, there will be results, but the findings will not contain Islamic elements.	Between the mufti and the researcher.
Building an Islamic Research Method Based on Disciplines of Knowledge in Islamic Epistemology.	Shahir Akram (2016).	The disciplines of knowledge in Islamic epistemology, whether Shariah science or 'aqidah, have the potential to be applied in the three main parts of Islamic research methods, namely research design, data collection method and data analysis method.	The research design contains several methods found in the science of <i>usul al-fiqh</i> , <i>manahij mufassirin</i> , and <i>manahij al-muhaddithin</i> , which can be used to build research design.	Apply the four stages of the fatwa process ( <i>taswir</i> , <i>takyif</i> , <i>ta 'sil</i> and <i>al-hukum</i> ) when building a research design based on the fatwa process, mainly if a study involves a decree ( <i>hukum</i> ).
The Importance of Modern Research Methods in Contemporary Fatwa.	Mohd Faez & Noor Naemah (2015).	Solving an issue based on the reality of things and it must accommodate current research methods.	Steps or processes in establishing fatwa and used as research design; The steps begin with <i>Al-Tasawwur</i> , followed by <i>Al-Takyif</i> , <i>Taznil al-Hukm</i> and <i>Al-Ifta'</i> .	Contemporary fatwa research comprises four combinations. i. Research that refers to the al-Quran and al-Sunnah as the primary data source. ii. Research that refers to secondary data. iii. Research that takes into consideration <i>maqasid al-shari'ah</i> . iv. Current academic research that involves field, clinical, experimental research etc.

Applying the Fatwa Process in Islamic-based Research Methods.	Wan Mohd Khairul Firdaus (2014).	Research methods that use sources of revelation from Allah, such as the al-Quran and al-Sunnah. In addition, Islamic analytical tools, such as that found in the science of Usul al-Fiqh and <i>ijtihad</i> , are the basis of Islamic-based research methods.	<i>Al-Taswir</i> : Describes an issue and can determine research design.  <i>Al-Takyif</i> : Research into a problem or previous research.	Similarities in the determination of research problems; <i>mustafti</i> questions, mufti's research and legal issues.
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### Islamic Research Methodology

Discussions about Islamic research methods are often repeated in every reference material that was examined. Since this study intended to build a suitable design for Islamic-based research, each reference material provided an overview of the efforts and importance of Islamic-based research. Under this theme there were 10 literary works that discussed Islamic research methods. Wan Mohd Khairul Firdaus (2017) agreed with the need to establish this research method. Screening of the literature provided four articles and one thesis that touched on Islamic research methods. Wan Mohd Khairul Firdaus et al. (2020) adduced the *al-takyif* method, which has the potential to be a systematic literature evaluation method in Islamic research. Shahir Akram (2016) also elaborated on the science of faith (*aqidah*), which has the potential to be applied in Islamic research methods. This was also discussed by Wan Mohd Khairul Firdaus (2014) and Abdul Hanis (2017) in their respective theses, where both authors used the fatwa approach and the science of interpretation (*tafsir*) as a medium in Islamic-based studies. In addition, Mohd Shukri (2017) also provided a clear picture of the *tasawur* on research theory from an Islamic *tasawur* perspective, which is the backbone of Islamic research methods. Meanwhile, Azie Zurianie (2020) explained the need for Maqasid al-Syariah to be the main framework in research, especially when assessing the requirements of a study. Azie Zurianie and Wan Mohd Khairul Firdaus (2019) also touched on the development of a framework model using the *ithbat* method based on Maqasid al-Syariah to be applied as an Islamic-based research method. Mohd Faez and Noor Naemah (2015) solved a problem based on the reality that occurs and it should be adapted taking into account contemporary research methods.

### Research Design Elements

Appropriate research design elements applied in Islamic research methods are a new discovery and still at the preliminary stage of study. However, several contemporary researchers have highlighted that research on Islamic research design should continue. All the articles had discussed elements that influence the research design. According to Wan Mohd Khairul Firdaus (2014), the *al-taswir* method is able to describe an issue and determine the appropriate research design to be used, while the *al-takyif* method examines a problem or previous research. Wan Mohd Khairul Firdaus et al. (2020) had examined the use of the *al-takyif* method in Islamic research and found that it is a literature review process that helps to build a research design. The proposed design is based on the fatwa method, which has been the main mechanism for solving problems related to Islamic syariah law since the time of the Prophets.

Wan Mohd Khairul Firdaus and Ibtisam (2017) stated that the elements found in the questionnaire are not related to Islam; hence, although the results might contain some elements, it will not produce findings that contain Islamic elements. Wan Mohd Khairul Firdaus (2017) also studied the application of logical reasoning as an evaluation method in the Islamic research process. Three strategic methods were applied based on logic reasoning, namely the *istiqrar'* (inductive), *qiyas* (deductive) and *tamthil* methods, which

are methods that have never been used in conventional research. Abdul Hanis (2017) on the other hand highlighted several methods of interpretation (*tafsir*) that have the potential to be a research design in Islamic-based studies, especially in textual studies. Mohd Faez and Noor Naemah (2015) also explained the steps or processes for establishing a fatwa that can also be used as a research design. Shahir Akram (2016) also introduced several research designs for conducting research, with several methods found in the science of *usul al-fiqh*, *manahij mufassirin*, and *manahij al-muhaddithin*, which be used for building research designs. Mohd Shukri (2017) had elaborated on common development concepts that are different or inconsistent with Islamic concepts and epistemology. Azie Zurianie (2020) explained how the Maqasid al-shariah method can be used as a framework for assessing research needs. He also presented a new framework model for Islamic-based research that used the *taqyim* and *istiqra'* methods for studying problems related to Islam and Muslims in order to be consistent with Islamic epistemology based on the Quran and Sunnah (Azie Zurianie & Wan Mohd Khairul Firdaus 2019).

### The Fatwa Methodology

There were four articles and theses that discussed the fatwa method. The fatwa method used in Islamic research is not specifically discussed in some of the selected studies. The discussion is more about the fatwa process's role in issuing a decree. Wan Mohd Khairul Firdaus (2014; 2017) explained the similarities in determining research problems, *mustafti* questions and legal problems. He also explained the four stages in the fatwa establishing process that can be used in Islamic research, namely *al-taswir*, *al-takyif*, *al-hukm* and *al-ifta'*. Wan Mohd Khairul Firdaus et al. (2019) continued by explaining the fatwa process and outlined each step in the process by referring to Islamic-based research methods. Wan Mohd Khairul Firdaus and Ibtisam (2017) explained the relationship between the mufti and researchers. Azie Zurianie (2020) and Azie Zurainie and Wan Mohd Khairul Firdaus (2019) used the *taqyim* process for constructing research questions. Shahir Akram Hassan (2016) also applied the four stages (*al-taswir*, *al-takyif*, *al-hukm* and *al-ifta'*) in the fatwa process to form a research design, especially studies involving Islamic jurisprudence. Besides that, Mohd Faez & Noor Naemah (2015) also discussed the combination of various current fatwa research for use in Islamic research. Most of the discussions on reference materials focused on points that were similar and interconnected with each other in the fatwa process used in the Islamic research method. Mohd Syukri (2017) suggested that the conventional research theory cannot be used to solve problems related to Islam.

### DISCUSSIONS

Based on the analysis of the ten reference materials, the keywords and research questions, three themes revealed that the fatwa method can be used as a research design in Islamic-based research. However, not all reference materials were specifically discussed in the respective studies related to the fatwa method as a research design. Mohd Shukri (2017), Wan Mohd Khairul Firdaus (2014) and Abdul Hanis (2017) found that differences and inconsistencies between the conventional worldview on development with Islamic worldview and epistemology is the main issue in contemporary Islamic research. Western philosophy based on an anti-dogmatic framework is the main issue between Islamic research and Muslims whose philosophy is based on Islamic beliefs (*aqidah*). Hence, Shahir Akram (2016) examined several disciplines of knowledge in Islamic epistemology, such as syariah or aqidah, that has the potential to be applied in Islamic research methods.

One important element of focus at the beginning of a research is the selection of an appropriate research design because it has significant implications on the course of the study. Based on this premise, construction of a research design based on Islamic-based research methods has attracted the attention of several researchers. Wan Mohd Khairul Firdaus (2014) adopted the approach of issuing fatwa formerly used by Islamic scholars to

solve contemporary Islamic legal problems as a step in building a research design. This was supported by Shahir Akram (2016), who has adduced several studies that examined the research design using the *usul al-fiqh* method. This is because *usul al-fiqh* is a method adopted by Islamic scholars when interacting with syariah texts until a syariah law is established. As for the textual study on the main religious text, which is the Quran, Abdul Hanis (2017) had used *usul al-fiqh* as a basis for building a research design through the interpretation (*tafsir*) method based on Islamic *tasawur* and epistemology.

In relation to the construction of a fatwa-based research design, the selected reference materials had mainly discussed the fatwa production process, *mustafti* questions and the relationship between the *mufti* and the researcher. Wan Mohd Khairul Firdaus et al. (2019), Shahir Akram (2016) as well as Mohd Faez Mohd Shah and Noor Naemah (2015) introduced a method or process for issuing the fatwa itself, while Azie Zurianie and Wan Mohd Khairul Firdaus (2019) elaborated on the theory of associating some processes in social research methods with the *ithbat* process in *maqasid al-syariah*. The *taqyim* process was adapted in the research question construction process together with a combination of contemporary research. This adaptation and combination were also mentioned by Mohd Faez and Noor Naemah (2015), who opined that new studies related to current legal problems need to be streamlined by using the latest research methods. Contemporary social and technological developments require a more flexible method but within the original syariah framework.

In addition, the fatwa process also explains the relationship between the *mufti* and the researcher. Wan Mohd Khairul Firdaus et al. (2019) found that a *mufti* who issues a fatwa as a means to solve problems concerning conventional law that is afflicting the Muslim community, also has the same duties as researchers who aim to solve social problems. Therefore, the criteria for researchers who conduct research related to Islam and Muslims have been narrowed down to four general aspects, namely that the *mufti* must be a Muslim, *mukalaf* (legally competent), fair (*adil*) and a *mujtahid*. In addition, Wan Mohd Khairul Firdaus (2014) also explained the similarities in determining research problems, *mustafti* questions, study of *mufti* and problems related to decrees (*hukum*). He clearly depicted that *al-taswir* and *al-takyif* play a significant role in research related to Islam and Muslims. This discussion was further extended by Wan Mohd Khairul Firdaus et al. (2020), who described *al-takyif* as a literature review method based on primary and secondary sources in Islamic-based research.

Wan Mohd Khairul Firdaus (2014) has laid the foundation in fatwa research by stating that fatwa is one of the Islamic research methods and had highlighted this in his study entitled "*Application of the Fatwa Process in Islamic Research Methods*". Moreover, several articles based on studies have expanded the function of fatwa in an Islamic-based research framework. Similarities between fatwa and research have been thoroughly discussed. Contemporary fatwa research that aims to solve current Islamic legal problems is based on four main domains. (i) Research that refers to the al-Quran and al-Sunnah as the primary source of reference (reference to *tafsir al-Quran* and *Hadith syrah*). (ii) Research whose secondary references are consensual legal sources, i.e., *ijma'* and *qiyas* as well as sources that are not agreed upon, such as *al-istihsan*, *masalih mursalah*, *sad al-dhara'*, *al-istishab*, *'amal ahl al-Medina* and so on. (iii) Research that considers *Maqasid al-shari'ah*, including considerations of *maslahah* and *mafsadah*, *al-awlawiyat*, *al-muwazanat*, and *fiqh al-waqi'*. (iv) Research that refers to current scientific research, involving field research, clinical research, experiments etc. to obtain actual information regarding the cause of legal problems (Mohd Faez & Noor Naemah 2015). Hence, Azie Zurianie (2020) explained that *Maqasid al-Shariah* should be highlighted in the contemporary Islamic research's framework so that the research is conducted according to the established Syariah framework.

The fatwa process is a detailed consideration of a *mufti* or legal authority after hearing questions or issues from the *mustafti* (questioner) until a fatwa is delivered (Ali Jum'ah 2008:13). The fatwa process is divided into four stages, starting with: (i) *al-Taswir*,

where a particular problem is described. This is a very important stage because it can change the existing law if not carried out prudently or if an error in judgement occurs. (ii) *al-Takyif*, which involves the adaptation or categorization of a problem, and it requires an in-depth study of the proposed issue. (iii) *al-Hukm* or the stage where a decree is determined. This stage is the longest stage in the fatwa process and is also known as *marhalah bayan al-hukm* or the stage where the decree is thoroughly explained (Noor Naemah 2008: 124). (iv) *al-Ifta'*, where all the three previous fatwa processes are discussed. This is a crucial stage because it is the pre-judicial process where issues are discussed, and the final fatwa is decided. Therefore, any error(s) in this final stage will lead to confusion in the eventual fatwa delivered (Wan Mohd Khairul Firdaus 2016).

The fatwa method is a suitable research design for use in an Islamic-based research. The parallelism between the main objectives of fatwa and research is the fundamental basis for the appropriateness of its application. In addition, various elements in *usul al-fiqh*, *manahij mufassirin*, and *manahij al-muhaddithin* also have the potential for helping build the research design. This is because of the existence of the source of revelation (al-Quran), thus, the research design in Islamic research methods must be able to interact with the Quran and Hadith. Hence, existing methods must be based on the sciences. As with any of these sciences, the design of thematic studies, comparisons, mathematics and so on, can be built. Likewise, knowledge related to *usul al-fiqh* and *mantiq* can provide a framework for building research strategies, such as *al-istiqra'*, *al-qiyas* and *al-qiyas al-usuliy (tamthil)* (Shahir Akram 2016).

When examining and observing the various stages involved in issuing a fatwa, the *al-taswir* stage helps to describe an issue in research. Once the issue is clearly identified and described, the researcher is able to determine the appropriate design for use throughout the research. Likewise, researchers who examine an issue or previous research using the *al-takyif* method can take advantage of this the research design. Indirectly, the design used in previous research would be deemed effective if it produced quality results. According to Wan Mohd Khairul Firdaus (2014), the fatwa process does not offer a research design based on Islamic research methods but helps determine an appropriate fatwa-based research design. Therefore, this Islamic-based research method can be used as a research design because of the existence of a special study on research designs in the Islamic-based research method.

Based on the findings and conclusions, this study intends to submit two recommendations. First, create an introductory module for the science of fatwa methods to be applied in Islamic-based research. This will create awareness among researchers regarding the existence of methods and techniques in fatwa, including research methods, that can be highlighted in other sciences. Second, create a research design that is based on Islamic tasawur and epistemology to avoid issues arising when conducting research, especially research related to Islam. This can at least increase the number of research tools and uphold researchers' beliefs from being distorted by conventional research.

It can be concluded that based on the systematic literature review there were 10 research materials closely related to the objectives of the research, which is to identify literary works related to fatwa and research design in Islamic-based research by using the systematic literature review and analysing trends in materials, namely reference materials related to a research design based on the fatwa method. The ten research materials indicated that the fatwa method is a suitable research design in Islamic-based research. Among the methods that can be applied in the research design are the two stages in the fatwa establishing process, namely *al-taswir* and *al-takyif*. Although the fatwa process does not offer a research design based on Islamic research methods, however, an appropriate research design can be determined by using the fatwa processing method.

## Acknowledgement

This paper is part of the research findings entitled Research Design in Islamic-Based Research Methods [(RUI)1001/CISDEV/8016060] which was funded by Research University Individual (RUI) grant, Universiti Sains Malaysia

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