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THE TEACHING AND LEARNING OF *UŞŪL AL-FIQH* IN PUBLIC UNIVERSITIES IN MALAYSIA: REALITY AND CHALLENGES*

Noor Naemah Abdul Rahman**
Abdul Karim Ali**
Rushdi Ramli***
Muhammad Safiri Ismail****

ABSTRACT

The teaching and learning of usūl al-fiqh is important in order to derive Islamic legal rulings (hukm). Therefore, an expected outcome of studying usūl al-fiqh is to produce students who master the tools (know-what) and have the capability (know-how) to derive Islamic rules through its primary and secondary legal sources. With regards to public universities in Malaysia, the subjects of usūl al-fiqh are taught to shariah students and covers Islamic legal resources (Quran, sunnah, consensus, analogy, public interest, juristic preference, custom, etc), interpretation of legal texts, methodology of Muslim Jurists, conflict and preference (ta'aruf and tarjih), legal maxims and others. However, some scholars are skeptical as to the ability of graduates to practice the tools of usūl al-fiqh.¹ Hence, this article attempts to portray the current scenario of

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** Associate Professor at Department of Fiqh and Usul, Academy of Islamic Studies, University of Malaya, naemah@um.edu.my, abdkarim@um.edu.my

*** Senior Lecturer at Department of Fiqh and Usul, Academy of Islamic Studies, University of Malaya, safisn@um.edu.my

**** SLAI Fellow at Department of Fiqh and Usul, Academy of Islamic Studies, University of Malaya, safiri@um.edu.my

¹ Mahmood Zuhdi Hj. Ab. Majid (2005), 'Pengajian Usul al-Fiqh Sebagai Kaedah Penyelidikan Hukum', in *Jurnal Fiqh*, no 2, pp. 206, 209.

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