

EDITORIAL FOREWORD

INTERDISCIPLINARY INSIGHTS INTO SYARIAH AND LEGAL DISCOURSE: NAVIGATING CRITICAL DIMENSIONS, CONTEMPORARY CHALLENGES, AND GLOBAL IMPACT

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ABSTRACT

The Malaysian Journal of Syariah and Law (MJSL) Volume 11, Issue 2 for 2023, presents a diverse collection of sixteen articles that explore various dimensions of Syariah and Law. This issue features sixteen diverse articles traversing critical dimensions within the domains of Syariah and Law. The illuminating scholarship inquiries into conflicts surrounding land development legislation in Malaysia as a case study, intersections between self-determination and terrorism under international law, innovative Islamic financing mechanisms, preventative health policies in religious institutions, issues impacting the elderly, variations in Shariah governance models, dynamics shaping traditional governance structures, legal and political considerations around foreign investments, extremism affecting the Islamic community and ethical foundations guiding the Islamic finance industry. The Commentaries section discusses specific issues within the focus towards leveraging Islamic finance principles for poverty alleviation, the constitutionality of Section 498 of the Penal Code at the intersection of Islamic teachings, personal law, and morality in Malaysia and emerging technologies to transform intellectual property security. Collectively, these articles underscore MJSL's emergence as a leading platform for discourse surrounding Islamic jurisprudence, legislation, finance, ethics and contemporary challenges at the intersection of syariah and law. These articles collectively contribute to a global perspective on legal discourse, reflecting MJSL's commitment to high editorial standards and impactful research dissemination. The inclusion of MJSL in Scopus beginning in July 2023, with content retrospective to 2019, signifies a significant milestone that emphasises the journal's worldwide significance and dedication to academic distinction.

Keywords: *Islamic Jurisprudence, Shariah Law, Legal Frameworks, Islamic Finance, COVID-19 Policies, Foreign Investments, Extremism, Poverty Alleviation, Intellectual Property, Emerging Technology, MJSL*

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Dear esteemed readers,

We are thrilled to announce a significant milestone for the Malaysian Journal of Syariah and Law (MJSL). We are delighted to inform our readers, contributors, and the academic community that MJSL has been officially indexed in Scopus, a prestigious and widely recognized abstract and citation database. This recognition underscores the journal's commitment to maintaining high editorial standards and publishing impactful research within the fields of Syariah and Law. We are especially proud to share that the indexing is backdated to include articles from the year 2019 onwards. This achievement not only reflects the scholarly rigor of our contributors but also reinforces the relevance and global impact of the research published in MJSL. We express our sincere gratitude to all authors, reviewers, and readers for their continuous support, and we look forward to furthering the dissemination of valuable knowledge in the realms of Syariah and Law through this enhanced visibility on the Scopus platform. The source page of MJSL can be visited through <https://www.scopus.com/sourceid/21101168863>.

We are pleased to present Volume 11, Number 2 of the Malaysian Journal of Syariah and Law (MJSL) for 2023, which features a collection of articles that explore various aspects of Syariah and Law. This compilation highlights rigorous research and insightful contributions, enhancing the scholarly discourse in these fields and broadening the boundaries of knowledge. Sixteen papers were submitted, originated from 23 different affiliations and countries around the globe (Malaysia, Canada, The United States of America, The Republic of Indonesia, The United Arab Emirates, Arab Republic of Egypt, Kingdom of Saudi Arabia, Republic of The Sudan, the Republic of Austria, the Republic of Cote d'Ivoire, People's Democratic Republic of Algeria, Federative Republic of Brazil, and Federal Republic of Germany).

Embarking on a journey through diverse legal landscapes and scholarly inquiries, we present this volume of the Malaysian Journal of Syariah and Law, a compendium that encapsulates a rich tapestry of legal thought and exploration. Our contributors, hailing from various academic disciplines, have diligently crafted articles that delve into the intricacies of law, policy, and societal considerations.

The first article under the Case Study section by Mohamed, A. H., Ismail, N., and Mohd, K. W. (2023) takes us into the realm of land development, exploring the interplay between conflicting policies and laws in Malaysia. With a focus on the Town and Country Planning Act 1976 and the National Land Code, the authors illuminate the legal intricacies surrounding land use conflicts, drawing attention to the need for legislative amendments to ensure the smooth progression of development projects.

In our second article, Selamat, Farzanah, Abd Rahman Shah, H. and Mohamad Ali, Norfadhilah (2023) navigate the complex intersection of the right to self-determination and the contentious issue of terrorism under international law. Through a meticulous analysis of legal frameworks, this article provides insights into the challenges faced by National Liberation Movements labeled as terrorist groups, offering a nuanced perspective on the delicate balance between the exercise of rights and the global fight against terrorism.

Shifting our focus to Islamic political risk insurance, Hamid, M. E.-F., & Hassan, M. (2023) present a compelling argument for the use of Shari'a-compliant murabaha transactions as a recovery option for inconvertibility losses. Their exploration of the Islamic corporation for the insurance of investment and export credit sheds light on innovative solutions within the Islamic finance realm, emphasizing the importance of aligning financial instruments with the principles of Shariah.

The subsequent article by Abdou Samadou, D., Abdul Rab, M. A., and Mebrouki, T. (2023) takes us to the mosques during the COVID-19 pandemic. Through the lens of Maqasid Syariah, the authors analyze preventive measures implemented in mosques to limit the spread of the virus. Their study underscores the critical role of mosques in maintaining social order and addresses the challenges faced in adapting governance structures to preserve both Islamic principles and public health.

Elderly education and lifelong learning take center stage in the fifth article by Abdul Mutalib, Kamaruzaman, and Abdullah (2023). This study inquires into the legal and Shariah perspectives surrounding elderly education, urging policy reforms to address barriers and enhance inclusivity, ultimately contributing to a more holistic approach to the well-being of senior citizens.

Bashir, M. S., and Babiker, A. A. (2023) navigate the realm of Islamic banking, evaluating Shari'ah governance practices in Saudi Arabian banks. Their analysis reveals variations in the implementation of Shari'ah governance principles, shedding light on the need for training and development within Islamic banking operations in Saudi Arabia.

Venturing into the Indonesian Islamic banking sector, Ahmad Muqorobin and Alafianta (2023) explore financing by installment, providing a maqasidic analytical study. Their research delves into the legitimacy and varied forms of installment financing, highlighting the importance of effective Sharia supervision in ensuring compliance at all stages.

The eighth article by Mohadi, M. (2023) offers a comprehensive literature study on normative Islamic conceptualizations of families and kinship through Maqasid perspectives. By examining historical, analytical, and descriptive approaches, the author enriches our understanding of family structures within the broader context of maqasid al-shari'ah, offering valuable insights for scholars and practitioners alike.

Rahmat, A., Warassih, E., & Syamsudin, M. (2023) delve into the existence of Nagari in West Sumatra, examining its dynamics and struggles in the face of state policy hegemony. Through an applied socio-legal methodology, the authors unravel the bureaucratization and instrumentalization of Nagari, shedding light on its impact on Minangkabau political authority.

Authored by Wijaya, R. P. (2023), the next article unveils the innovative model of CWL-FRA, an integration of cash waqf and infrastructure financing. Addressing the challenges in cash waqf management in Indonesia and the funding hurdles faced by the infrastructure sector, the CWL-FRA model emerges as a viable solution. The study employs a Delphi test, revealing the model's implementability and potential positive contributions to national economic recovery and sustainable social funds.

Meanwhile, Al-Kalbani, R. N. M. K., Ahmad, N. M., & Zakaria, M. Z. (2023) article delves into the legal and political dimensions of foreign investments in the United Arab Emirates (UAE). This comprehensive study scrutinizes the regulations governing foreign investments, their political impact on economic development, and the strategic measures taken by the UAE government. Emphasizing the success of the UAE in attracting diverse foreign investments, the article contributes valuable insights into the balance between economic growth and legal frameworks.

Moreover, article written by M. N. Mat Hussin, M. Z. Daud, R. Md Noor, and A. Che Omar (2023) address critical issues surrounding faith and beliefs within the Malaysian Islamic community. Examining deviations in beliefs, human rights concerns, and the presence of extremist groups, the study underscores the Malaysian government's commitment to Islamic legislation for national security and unity. This article sheds light on the multifaceted risks impacting the Muslim community and emphasizes the ongoing efforts to maintain societal stability.

Khaled Moawad, A. T. M. (2023) explores the salient characteristics of the Islamic investment industry, elucidating its ethical foundations rooted in the Qur'an and Sunnah. The study emphasizes the adaptability of Islamic investment to contemporary contracts, its role in establishing socially responsible projects, and its commitment to sustainable and ethical practices. This comprehensive analysis adds significant insights to the discourse on the principled underpinnings of the Islamic investment industry.

As for the Commentaries section, Edris, M. M. A. M., Bashir, M. S., and Mohammed Hasan, B. M. (2023) explore the revitalization and investment of abandoned land in Malaysia through Islamic

microfinance. Focusing on Negeri Sembilan, the study highlights the potential of Islamic microfinance in addressing financing challenges for small and medium enterprises. The commentary underscore the innovative approach of utilizing abandoned lands for productive projects, aligning with Shariah principles and contributing to poverty reduction.

Next, Wan Husain, W. A. F. (2023) critically analyzes the constitutionality of Section 498 of the Penal Code in Malaysia, employing Watanic jurisprudence. Delving into the criminal offenses related to enticing married women, the article explores the intersection of Islamic teachings, personal law, and the principles of morality. The commentary emphasizes the significance of Section 498 in preserving personal law and upholding moral principles in accordance with religious beliefs.

Lastly, M. P. Magalhães (2023) ventures into the transformative realm of blockchain technology and Non-Fungible Tokens (NFTs), examining their potential to revolutionize global intellectual property protection. The study suggests the need for a regulated self-regulatory system to frame the legal perspective surrounding NFTs. As NFTs gain prominence in the digital landscape, this commentary lays the groundwork for future legal standards to integrate these unique digital assets into the framework of intellectual property protection.

In conclusion, Volume 11, Issue 2 of the MJSL for 2023 presents a diverse and enriching collection of articles that delve into various dimensions of Syariah and Law. With contributions from scholars representing 21 different affiliations and countries worldwide, this volume reflects a global perspective on legal discourse. The research spans across multiple legal landscapes, exploring topics such as land development conflicts in Malaysia, the intersection of self-determination and terrorism under international law, and the innovative use of Shari'a-compliant transactions for political risk insurance.

As we navigate these diverse legal landscapes, the MJSL continues to foster rigorous research and insightful contributions, advancing the scholarly discourse in Syariah and Law. This volume not only broadens the boundaries of knowledge but also underscores the journal's commitment to providing a platform for impactful research from around the world. The diligent efforts of contributors have resulted in a compendium that reflects the rich tapestry of legal thought, making a significant contribution to the academic community and beyond.

We extend a warm invitation to esteemed readers to peruse the contents of the Malaysian Journal of Syariah and Law (MJSL), Volume 11, Number 2. The depth of insights provided by our contributors reflects the commitment of the MJSL to fostering rigorous research and advancing scholarly discourse. We invite you to immerse yourself in the wealth of knowledge presented in this volume, and we trust that the diverse perspectives shared will contribute to a deeper understanding of the complex and evolving landscape of Syariah and Law.

Editor-in-Chief,

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