

CHAPTER 5

SUMMARY, DISCUSSION, AND RECOMMENDATION

5.1 Overview

This chapter summarises and discusses the results, elaborating on the study's implications. The researcher has condensed all required facts into a succinct chapter in order to make it concise and well-presented. Section 5.2 synthesises the results in relation to the objectives. Through its four subsections, Section 5.3 discusses the findings from all of the objectives. The discourse concludes with the study's implications for academic literature, individuals, the Muslim community, and the government. Following that, the conclusion is included, along with a proposal for additional research in the subject for the beginner researchers.

5.2 Summary

This section summarises research results in relation to the study's objectives. This aids in the comprehension and organisation of the findings. As a final illustration of each finding, figures are supplied.

5.2.1 Findings for Research Objective 1

This research concludes that there have been several factors that have made the existence of a need for the construction of Fiqh Forensic modules. With reference to 989 documents, the determination of 154 codes, which were then classified into 10 themes, this research has determined 10 items that form the basis of the requirements to the construction of the Fiqh Forensic module.

The 10 items are as follows:

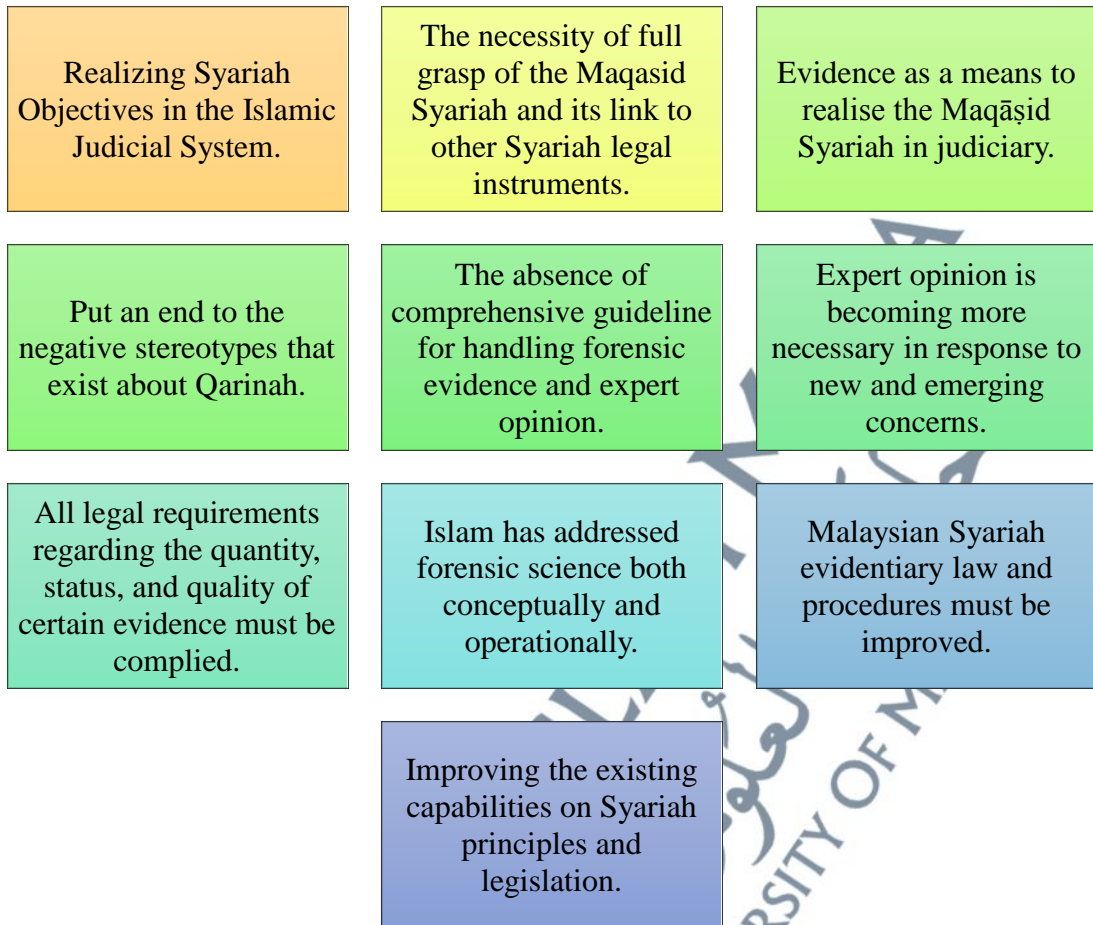


Figure 19: The needs to develop Fiqh Forensic module

This finding, as in Figure 19 above, has achieved the first research objective that is “to analyse the issues that led to the need to build Fiqh Forensic module for Syariah Officers in Malaysian Syariah Legal Institutions”. Furthermore, this finding also has answered the first research question which is “why does this Fiqh Forensic module needs to be developed?”

5.2.2 Findings for Research Objective 2

This study concludes that various critical components have been identified, chosen, and vetted for inclusion in the Fiqh Forensic module. These components are included in the Fiqh Forensic module because they contribute to the module's objectives and are relevant to the target group, which includes Syarie judges, lawyers, and religious enforcement officers. After successfully collecting around 724 documents, the information contained in them was reviewed and evaluated to generate

30 codes. All 30 codes have been reorganised into six major themes based on their appropriateness and compatibility.

Following that, these six major themes and thirty codes were formatted and translated into the Bahasa Melayu to create six Fiqh Forensic sub-modules with sub-headings. After that, the six sub-modules were then integrated in the last phase of the module development's first stage to create a complete draft of the Fiqh Forensic module. This complete draft has eight major sections, beginning with the Introduction and concluding with the Conclusion. The following Figure 20 enclosed sections contained in the complete draft:



Figure 20: Sections contained in the complete draft of Fiqh Forensic module

This finding has achieved the second research objective that is “to examine the content of the module based on the selected source”. Furthermore, this finding also

has answered the second research question which is “what are the contents that need to be included in the module?”

5.2.3 Findings for Research Objective 3

This research has successfully developed a comprehensive draft of the Fiqh Forensic module by using the Noah and Ahmad (2019) module development model. This complete draft is the outcome of a combination of six Fiqh Forensic sub-modules. Furthermore, the draft of the Fiqh Forensic module was created using Baharuddin (2017c) Fiqh Forensic theory, which he developed during his Phd study. Numerous variables contributed to the development of this module, including the need for Syariah law practitioners for reference and expert assistance, rapid advances in science and technology, negligence and inconsistency in referencing existing Syariah Court evidence law provisions, and a lacuna discovered in the Arahan Amalan relating to forensic science evidence.

The Fiqh Forensic module follows the same framework as an academic module. This sort of academic module is a comprehensive set of academic notes designed to assist the target group in simply, swiftly, and correctly reviewing, following, and adhering to teaching methods. In most cases, these modules allow the target audience to learn independently without the help of an instructor or presenter. This session might also be beneficial to those who work full-time yet want to improve their academic achievement.

The completed draft module has been attached to the Appendix G for the purpose of achieving the research objective of “to produce Fiqh Forensic module for Syariah Officers in Syariah Legal Institutions”. Furthermore, this finding also has answered the last research question which is “what is the form of Fiqh Forensic module to be used by Syariah Officers in the Syariah Legal Institutions in Malaysia?”

5.3 Discussion

This section is broken down into three subsections that follow one another. It is constructed in accordance with study’s objectives and questions.

5.3.1 The Fiqh Forensic module for Syariah officers is actually required

5.3.1.1 The purpose of undergoing a needs test

Prior to module development, it is critical to do requirements testing. Of course, the significance of this test will not emerge unless there is a clear goal in mind, one of which is to avoid doing anything that is needless, superfluous, ineffective, and does not assist in any way. Avoiding such behaviour is advocated in Islam, as the Prophet (p.b.u.h.) once said:

عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مِنْ حُسْنِ إِسْلَامِ الْمَرْءِ تَرْكُهُ مَا لَا يَعْنِيهِ»

On the authority of Abu Hurayrah (may Allah be pleased with him) who said: The Messenger of Allah (peace and blessings of Allah be upon him) said, "Indeed among the excellence of a person's Islam is that he leaves what does not concern him".

(Hadith. al-Tirmidhī. Bāb al-Zuhd: #2317)

Similarly, Ibnu Abi Hātim al-Rāzī (d. 327 A.H./938 C.E.) and al-Baihaqī (d. 458 A.H./1066 C.E.), both have recorded as follows:

ثَنَا حَرَمَلَةُ بْنُ يَحْيَى، قَالَ: سَمِعْتُ الشَّافِعِيَّ يَنْشِدُ: "وَلَا تُعْطِينَ الرَّأْيَ مَنْ لَا يُرِيدُهُ" ***
فَلَا أَنْتَ مَحْمُودٌ وَلَا الرَّأْيُ نَافِعُهُ".

Narrated Harmalah bin Yahya, he said: I once heard al-Syafi'i say, "Do not express your viewpoint to people who do not wish to hear it; you will not be appreciated, and your ideas will not be benefitted". (al-Baihaqī, 1970, p. 97; Ibnu Abi Hātim al-Rāzī, 2003, p. 211)

This test also determines if the existing modules are enough to solve current concerns. If the present modules are adequate, then no additional module is required. However, if the present modules are insufficient or incomplete, or worse, if no modules are generated, then such a need will emerge. If the current module is inadequate or incomplete, it must be modified, and if no module exists, it must be developed.

This is in accordance with al-Nawawī's recommendation to develop books or modules. In his introductory remarks on his *magnum opus* "al-Majmū' fī Sharḥ al-Muhadhdhab", he suggested:

وينبغي أن يكون اعتناؤه من التصنيف لما لم يسبق إليه أكثر، والمراد بهذا أن لا يكون هناك مصنف يغني عن مصنفه في جميع أساليبه، فإن أغنى عن بعضها فليصنف من جنسه ما يزيد زيادات يختلف بها، مع ضم ما فاته من الأساليب. وليكن تصنيفه فيما يعم الانتفاع به، ويكثر الاحتياج إليه.

“His attention to writing should be devoted to subject matters that have not been written about before. What this means is that there isn’t a written text that has no need of being written again in order to cover all of its subject matters. However, if what he is going to write can do without some subject matters and not others, then, let him write about the same subject matters that have been written about before, but with additions that will make his written work more beneficial than the previous. His writing should be in that which the benefit is widespread and the need for it is great.” (al-Nawawī, 2020b, p. 167)

In addition, al-Nawawī’s remark above has also been explained by Muhammad ibn al-‘Uthaimīn (d. 1421 A.H./2001 C.E.) in his book *“al-Ta’līq ‘alā Muqaddimah al-Majmū’*”, which includes the following clarifications:

هذا أيضا مهم، فمثلا: إنسان يريد أن يصنف مختصرا في الفقه، فصنف على جنس عبارات زاد المستقنع، فلا فائدة، لكن لا بد أن يغير، فمثلا: يجعل هناك أقساما، أو أنواعا، أو شروطا يحصرها ويبينها، لم تكن موجودة في الكتاب الثاني. وأما أن يكون نسخة، أو قريبا من نسخة من كتب مصنفة من قبل، فهذا في الحقيقة إضاعة وقت من وجه، وذذبذة للطلاب من وجه آخر، لكن إذا كان التمييز بينا، إما بالأسلوب، أو بالتقسيمات، أو بذكر الشروط، أو ما أشبه ذلك، فحينئذ يكون التصنيف جيدا.

“This is also significant; for example, if a person wishes to write an abridged form of Islamic jurisprudence, then he wrote to the similar kind with the book of Zād al-Mustaqni’; As a result, there is no gain from it; rather, it must be modified. As for instance, he includes categories, types, or conditions that he identifies and defines, things that were not included in the second book. Meanwhile, if it is a copy, or close to a copy, of previously published books, this is a waste of time in one sense, and a distraction for students in another, but if the distinction is evident, either by style, or by divisions, or by noting the conditions, or anything similar, therefore such publication is acceptable.” (al-‘Uthaimīn, 2014, pp. 122-123)

Therefore, if the needs are effectively identified, the required module will be produced to meet the needs of those in need.

5.3.1.2 The needs analysis from the primary and secondary documents

As for this study, it was revealed that Syarie judges, lawyers, and religious enforcers urgently required a distinct pertinent guideline on expert opinion and forensic evidence. This significant outcome is in accordance with the outcomes from numerous researchers (M. H. Ahmad, Baharuddin, Hashim, et al., 2020; Baharuddin, 2017c; Baharuddin, Ismail, Mutalib, Ahmad, Nasir, et al., 2019; Wan Abdul Fattah Wan Ismail & Asutay, 2017; Kahar, Ismail, Baharuddin, & Mutalib, 2021; M. N. Mokhtar, 2004; Rafie & Ismail, 2017; Saad, 2019; Shariff, Azhar, et al., 2019; Tajuddin & Rahman, 2021; Yaakub & Jamal, 2004; S. M. Yusof et al., 2019).

This is based on a needs analysis from the primary and secondary documents. Due to the likelihood of pandemic Coronavirus disease (COVID-19), the researcher did not interview the target population, but their conditions may be studied via primary and secondary documentation.

Additionally, acquiring the knowledge and information is not restricted to face-to-face interactions, but may be accomplished through varying methods including the studying of the works of writers. This has been described at length by al-Shāṭibī, among which are as follows.

وإذا ثبت أنه لا بد من أخذ العلم عن أهله؛ فلذلك طريقتان: أحدهما: المشافهة، وهي أنفع الطريقتين وأسلمهما؛ ... الطريق الثاني: مطالعة كتب المصنفين ومدوني الدواوين، وهو أيضا نافع في بابه؛

“When it is established that it is necessary to acquire knowledge from those who are qualified, (we maintain that) there are two ways of acquiring such knowledge. First method: oral knowledge – The first is oral knowledge (acquired face to face). Second method: studying the works of writers and compilations of the compilers – This is also a beneficial method...” (al-Shāṭibī, 2017b, pp. 186,188-189)

In addition, according to the qualitative methodologists, conducting document analysis is actually similar to field work like interview or observation. According to Sharan B. Merriam, who is a qualitative methodologist has said:

“Using documentary material as data is not much different from using interviews or observations...” (Merriam, 2009, p. 150)

This is also supported by the statements of other methodologists such as Barney G. Glaser and Anselm L. Strauss, in which they both have said:

“There are some striking similarities – sometimes obvious although often overlooked – between field work and library research. When someone stands in the library stacks, he is, metaphorically, surrounded by voices begging to be heard. Every book, every magazine article, represents at least one person who is equivalent to the anthropologist’s informant or the sociologist’s interviewee. In those publications, people converse, announce positions, argue with a range of eloquence, and describe events or scenes in ways entirely comparable to what is seen and heard during field work. The researcher needs only to discover the voices in the library to release them for his analytic use.” (Glaser & Strauss, 2006, p. 163)

The use of documents in retrieving information for research purposes is therefore justified. The researcher used primary and secondary materials to identify aspects that lead to the necessity for a Fiqh Forensic module. The primary materials in this study were indeed the Quran, Sunnah, Consensus from the Muslim scholars (ijmā‘), and Analogical reasoning (Qiyās) as they were the principal sources of Islamic law (al-Qaradāwī, 2013a; al-Zarqā, 2014; Kamali, 1999; Wahbah al-Zuhaylī, 2013b; Zaydān, 2013). Moreover, the researcher refers to the books of the earlier scholars in addition to the perspective of contemporary intellectual discourse. The researcher discovered that referencing to these traditional publications is critical in this study for a variety of reasons, *inter alia*; it is one of the prerequisites established by the methodology of document analysis. Al-Shātibī has expressed this matter as follows:

الأول: أن يحصل له من فهم مقاصد ذلك العلم المطلوب، ومعرفة اصطلاحات أهله؛ ما يتم له به النظر في الكتب، وذلك يحصل بالطريق الأول: من مشافهة العلماء، أو مما هو راجع إليه، وهو معنى قول من قال: "كان العلم في صدور الرجال، ثم انتقل إلى الكتب، ومفاتيحه بأيدي الرجال"، والكتب وحدها لا تفيد الطالب منها شيئاً، دون فتح العلماء، وهو مشاهد معتاد. والشرط الآخر: أن يتحرى كتب المتقدمين من أهل العلم المراد؛ فإنهم أقعد به من غيرهم من المتأخرين، وأصل ذلك، التجربة والخبر: أما التجربة: فهو أمر مشاهد في أي علم كان؛ فالتأخر لا يبلغ من الرسوخ في علم ما يبلغه المتقدم، وحسبك من ذلك أهل كل علم عملي أو نظري؛ فأعمال المتقدمين – في إصلاح دنياهم ودينهم – على خلاف أعمال المتأخرين، وعلومهم في التحقيق أقعد.

“The first is that the reader understands the aims of the desired discipline and that he has knowledge of the terminology used by the specialists in that field, sufficient to enable him to study the books. This is attained by the first method with face-to-face instruction by the scholars or by a

system that relies on this method. It is this meaning that is found in the statement of the person who said, “Knowledge resided in the hearts of men; it was then translated into books, but the keys to the knowledge remained in the hands of men”. Books alone, however, do not benefit the student without an introduction by scholars. This is what is witnessed and practised. The second condition is that the books of the earlier scholars in the intended discipline be studied, because they were better grounded in the discipline as compared to the later scholars. The basis of this statement is experience and reports. As for experience, this is what is witnessed whatever the discipline. The later scholars have not exhibited the same depth of knowledge in a discipline as has been shown by the earlier scholars. The works of the specialists in a discipline, whether applied or theoretical, is sufficient proof. The acts of the earlier scholars in ordering the affairs of this world and the next are different from those of later scholars, and their knowledge was sounder.” (al-Shāṭibī, 2017b, p. 189)

Al-Shāṭibī concluded after emphasizing on the necessity to refer to the traditional publications:

فلذلك صارت كتب المتقدمين وكلامهم وسيرهم؛ أنفع لمن أراد الأخذ بالاحتياط في العلم، على أي نوع كان، وخصوصا علم الشريعة، الذي هو العروة الوثقى، والوزر الأحمى

“Thus, the books of the earlier scholars, their words and lives are the most beneficial for one who wishes to exercise care in acquiring knowledge of whatever form it is, especially the knowledge of Syariah, which is the strongest tie and the greatest protection.” (al-Shāṭibī, 2017b, p. 194)

Furthermore, the books of the earlier scholars have included more detailed and in-depth arguments, as well as a stronger and more accurate application to the fundamental sources, notably the Qur'an and the Sunnah (Ali Jum'ah, 2009; Khunain, 2010). Each argument will be embellished with references to the Qur'an and Sunnah, as well as the author's ijtihad (Ali Jum'ah, 2009; Khunain, 2010). This is the art, as well as the primary benefit, of these publications, which are deficient in modern references. This is why the researcher included references to the traditional works done by the earlier scholars in this study.

As for this study, the emphases were given to the traditional works in the domain of Islamic judiciary by scholars who served as judges in the past. The methodology for selecting the books was previously explained in the research findings, namely by following the recommendations of Islamic judicial specialists,

such as Muhammad al-Zuḥaylī (2002), Khunain (2010), and al-Hamad (2005). The following Figure 21 listed some of the traditional Islamic judicial books that were frequently recommended by Islamic judicial experts.

According to them, the books they proposed were authoritative because they were written by scholars who are informed, experienced, and competent in the complexities of Islamic judiciary. As a result, the importance of their works is well worth studying and scrutinising. Even the explanations of judicial matters in their publications are broader and more detailed than those in works of mainstream Islamic jurisprudence.

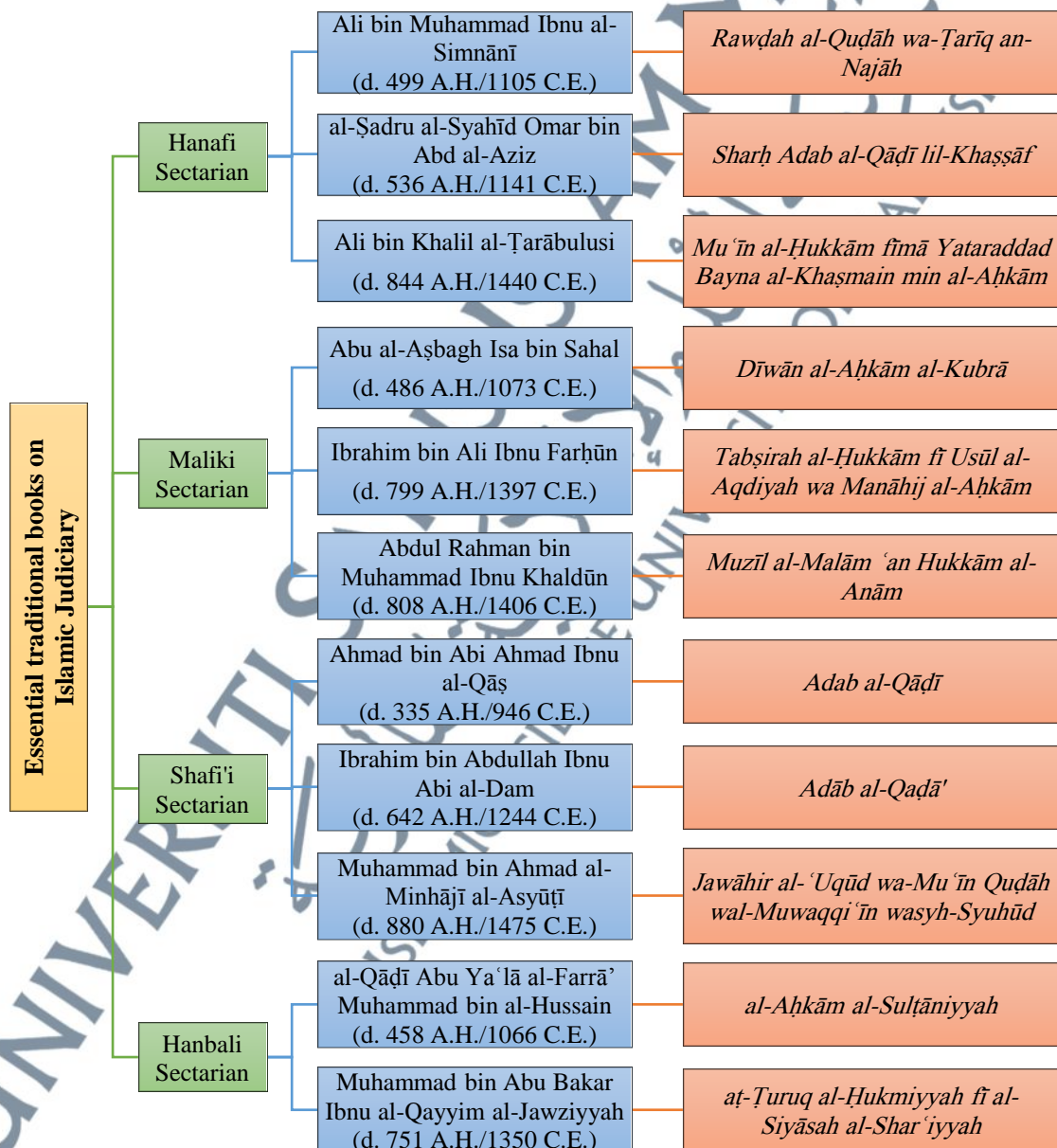


Figure 21: Among the essential traditional books on Islamic judiciary written by the earlier scholars

5.3.1.3 The proficiency in Syariah and legal affairs is required

This research found ten reasons to construct a Fiqh Forensic module. Close examination revealed that they all point to the need to improve the proficiency in Syariah and legal affairs. The said proficiency is referring to the progressive development in knowledge, experience, and skills of the Syarie judges, lawyers, and religious enforcers.

With breakthroughs in science and technology, the globe is becoming more advanced. When technology is already at your fingertips, it is possible for it to be abused. According to prior study undertaken by Nasri and Noor (2020b), M. H. Ahmad, Baharuddin, et al. (2019a), S. Z. Ismail (2016), and Shahrhan (2016), numerous Syariah criminal crimes specified in the Syariah Criminal Offences (Federal Territories) Act 1997 may be committed electronically or online. This is undoubtedly a contemporary difficulty that Syariah law will encounter since the medium of criminal behaviour is no longer as it once was because it is done without boundaries in online (S. Z. Ismail, 2016). This circumstance also poses a challenge to the Syariah Court's evidentiary law, since it has traditionally relied on testimony and guilty pleas. However, in today's digital world, neither is sufficient. Syariah courts need contemporary evidence that can survive this digital current, such as forensic evidence and expert testimony (M. H. Ahmad, Baharuddin, et al., 2019a; Nasri & Noor, 2020b; Nong, 2016; Ramlee, 2016).

To employ expert and forensic evidence, however, practitioners of Syariah law, particularly Shariah judges, must first acquire knowledge of both before passing judgement based on their empirical analysis and deduction. This is because Islam expressly prohibits Syarie judges from passing judgement on anything when they are ignorant of it. In this matter, Rasulullah (p.b.u.h.) has once said:

عَنْ ابْنِ بُرَيْدَةَ، عَنْ أَبِيهِ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «الْقُضَاةُ ثَلَاثَةٌ: وَاحِدٌ فِي الْجَنَّةِ، وَاثْنَانِ فِي النَّارِ، فَأَمَّا الَّذِي فِي الْجَنَّةِ فَرَجُلٌ عَرَفَ الْحَقَّ فَقَضَى بِهِ، وَرَجُلٌ عَرَفَ الْحَقَّ فَجَارَ فِي الْحُكْمِ، فَهُوَ فِي النَّارِ، وَرَجُلٌ قَضَى لِلنَّاسِ عَلَى جَهْلٍ فَهُوَ فِي النَّارِ»، قَالَ أَبُو دَاوُدَ: "وَهَذَا أَصْحَحُ شَيْءٍ فِيهِ يَعْنِي حَدِيثَ ابْنِ بُرَيْدَةَ الْقُضَاةُ ثَلَاثَةٌ".

Ibn Buraidah narrated from his father that the Prophet (p.b.u.h.) said: "Judges are of three types, one of whom will go to Paradise and two to Hell. The one who will go to Paradise is a man who knows what is right and gives judgment accordingly; but a man who knows what is right and

acts tyrannically in his judgment will go to Hell; and a man who gives judgment for people when he is ignorant will go to Hell.” Abu Daud said: “On this subject, this is the soundest tradition, that is, the tradition of Ibn Buraidah: Judges are of three types”.

(Hadith. Abu Dāud. Bāb fī al-Qāḍī Yukhṭi’u: #3573)

Additionally, there are Islamic legal maxims about judgement that forbid judges from making rash decisions. In *al-Mabsūṭ*, al-Sarkhasī (d. 483 A.H./1090 C.E.) has elucidated this legal maxim:

وَلَا مُعْتَبَرٌ لِلْقَضَاءِ عَنِ جَهْلٍ

“Making a judgement based on ignorance is not acceptable.” (al-Sarkhasī, 1993a, p. 203)

As a result, practitioners of Syariah law will eventually need to develop and expand their proficiency in Syariah and law in order to properly achieve the objective of Islamic law in the judiciary.

Apart from that, numerous Islamic scholars have never stopped urging persons engaged in legal and judicial concerns to improve their proficiency in matters of law and Syariah (Abū al-Ma‘ālī al-Juwaynī, 2011; al-‘Izz Ibnī Abdissalam, 2020a; al-Nawawī, 2020b; al-Qarāfi, 1994b, 1995; al-Ṣadru al-Syahīd, 1977; al-Sarkhasī, 1993c; al-Ṭarābulusi, 2018a; Ibnu ‘Abidin, 2020; Ibnu al-Simnānī, 1984; Ibnu Farḥūn, 2016a). Similarly, the researchers and academics have advised the persons engaged in legal and judicial affairs to conceptually and practically comprehend both legal and Syariah subjects (N. M. Ali, Shah, & Mutalib, 2020; Awang, 2020; Bakar, 1997; Jamal, 2007; Masshor & Rahman, 2007; Murad, 2007; Othman, 1997; Ramlee, 2007; Shamsuddin, 2020).

Consequently, both the current and previous Directors General/Chief Justice Syarie of the JKSM, the Rt. Hon. Dato’ Seri Setia Dr. Hj Mohd Na’im bin Hj Mokhtar and the Rt. Hon. Dato’ Haji Mukhyuddin bin Haji Ibrahim, have repeatedly emphasised in their keynote addresses the need to improve each JKSM member’s knowledge, experience, and proficiency in the fields of Syariah and law (M. Ibrahim, 2019; M. N. Mokhtar, 2020a, 2020b, 2021).

All of the above implies that an effort must be made to increase Syariah and legal understanding in order to face the more difficult mainstream. Without progressive reforms, all of Islamic law's objectives for the judiciary would remain

unachieved. Thus, it is envisaged that the need of developing this Fiqh Forensic module would contribute to the improvements required by those engaged in legal and the judiciary, as well as achieving the objectives of Islamic law in the judiciary.

5.3.2 Content of Fiqh Forensic module

The outcomes of this research reveal that the Fiqh Forensic module should comprise 9 essential themes. Two of the nine components, Chapters 3 and 6, will be discussed here. Both have their own priorities. Paragraph 5.3.2.1 addressed the need to be well-versed in substantive and procedural matters of forensic and expert evidence. Paragraph 5.3.2.2 will address the content validity of the Fiqh Forensic module.

5.3.2.1 Need to be well-versed in the substantive and procedural aspects of forensic and expert evidence

The researcher addressed the substantive legal aspects of expert testimony and forensic evidence in Chapter 3 of the Fiqh Forensic module, whereas the procedural legal aspects of both subjects were emphasised in Chapter 6. The whole of Chapter 3 in the Fiqh Forensic module examines the credentials and credibility of forensic specialists who are certified and may practise in Syariah Courts. The researcher discovered that both Chapters 3 and 6 are critical for users of this module to comprehend and understand. This is because, as explained in Chapter 3, Islamic law has established its own requirements for the credentials and trustworthiness of experts appearing before the Syariah Court.

Chapter 3 is vital to consider and comprehend for numerous reasons. The first is that the Syariah Court is bound to adhere to all provisions of Islamic law related to the quantity, position, and quality of evidence necessary to prove any facts, including expert testimony and forensic evidence. Section 76 of Syariah Court Evidence (Federal Territories) Act 1997 has provided:

“The burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact, is on the person who wishes to give the evidence.”

Additionally, there is an Islamic legal maxim regarding conditional evidence and is consistent with the criteria of Section 76 above, namely:

مَا لَا يُمَكِّنُ إِثْبَاتُهُ إِلَّا بِشَرَطٍ، فَإِذَا وَقَعَتِ الْحَاجَةُ إِلَى إِثْبَاتِهِ، يُقَدَّمُ شَرَطُهُ عَلَيْهِ لَا مَحَالَةَ

“Things that cannot be proven unless with the conditions, if the necessity to establish them arises, then meeting the conditions will certainly be given precedence.” (al-Sarkhasī, 1993b, p. 69; ‘Alāuddin al-Bukhārī, 1997, p. 417)

Meanwhile, Section 226 of the Syariah Criminal Procedure (Federal Territories) Act 1997 expressly provided for this in the following manner:

“In any proceedings under this Act, the Court shall observe all provisions of Islamic Law relating to number, status or quality of witness or evidence required to prove any fact.”

In carrying out its function, the Court will consider the parties’ evidence and arguments, as well as whether the forensic expert has fulfilled all of the necessary qualification and credibility standards. Following that, the Court will determine whether the person is qualified to provide expert testimony or not. This is also stated by Muhammad al-Zuhaylī in his book *Wasā’il al-Ithbāt fī al-Sharī’ah al-Islāmiyyah*:

القاضي مسؤول عن التأكد من توفر الشروط في الإثبات، فيتأكد من صحتها، ويتحرى الدقة فيها والضبط... وشروط الإقرار واليمين والخبرة وجميع وسائل الإثبات، والقاضي هو صاحب الرأي الأخير في قبول الإثبات أو رفضه بعد هذا التحقيق والتأكد من صحتها وسلامته أو ثبوت عكسه. وفي القرائن فقد ترك الشارع له أن يستنبطها كيف ما شاء، وترك القاضي العادل حرية التقضي، فلا يحكم إلا وضميره مطمئن هادئ مستريح من هذا الاستنتاج والبحث.

“Judges are accountable for verifying that the conditions set out in the evidence are satisfied. As such, he must verify its validity and correctness... as well as the conditions included in confessions, oaths, expert opinions, and other forms of evidence. After conducting an inquiry to ascertain its legitimacy and integrity, or to demonstrate otherwise, the judge will decide whether to accept or reject it.” (Muhammad al-Zuhaylī, 2016c, p. 670)

While the second reason concerns qualification and trustworthiness, both of which are founded on Islamic law. This is due to a lacuna in Malaysia’s existing Syariah law. In essence, Syariah law in Malaysia has consistently allowed for the admission of forensic evidence and expert testimony into Syariah Courts. This is evident in various sections of the Syariah Court Evidence (Federal Territories) Act 1997 and the Syariah Criminal Procedure (Federal Territories) Act 1997.

Furthermore, the JKSM also published Arahan Amalan No. 4 of 2020 specifically for forensic evidence on December 21, 2020. As a result of this research, researcher has discovered the following Syariah regulations pertaining to forensic evidence and expert testimony:

However, a closer look at the aforementioned Syariah legal provisions revealed inadequacies. There is a significant lacuna in the present Syariah regulations about the eligibility and credibility of *al-Khabīr* in the Syariah Court. The lacuna in issue concerns the qualifications and credibility requirements that an individual must meet in order to be deemed an expert in a Syariah Court. This lacuna continues to exist notwithstanding JKSM's publication of Arahan Amalan No. 4 of 2020 on forensic evidence. This demonstrates that the present Syariah law is still insufficient and requires improvement.

Table 36: Syariah legal provisions in Malaysia pertaining to forensic evidence and expert testimony

Title of Syariah regulations	Provisions pertaining to forensic evidence and expert testimony	Matters related
Syariah Court Evidence (Federal Territories) Act 1997	Subsection 3(1)	Interpretation of “bayyinah”, “computer”, “document”, “evidence” “Hukum Syarak”, “qarinah”,
	Subsection 11(b)	Facts become qarinah
	Sections 33, 34 & 35	Expert opinion
	Section 39	Expert may give an account of experiments performed by him for the purpose of forming his opinion
	Subsection 56(4)	Proof of document
	Subsection 57(a)(iii)	Documents forming the acts or records of the acts of public officers
	Sections 72-75	Burden of proof
	Section 76	Burden of proving fact necessary to be proved to make evidence admissible.
	Subsection 83(2)	The bayyinah of an expert who is a non-Muslim against a Muslim
	Sections 115, 116 & 118	Judge’s power to order production of any document or thing
	Sections 112(4), 113 & 114	Expert may refresh his memory by reference to professional treatises.
	Section 130(2)	Reference to Hukum Syarak for lacuna circumstances
Syariah Criminal Procedure (Federal Territories) Act 1997	Section 2	Interpretation of “Hukum Syarak”
	Subsection 96(c) &(d)	Giving evidence and summon expert to give evidence
	Section 194	Reports about a subject or object that has been investigated or analysed by a particular individual
	Section 226	The Court shall observe all provisions of Hukum Syarak relating to number, status or quality of witness or evidence required to prove any fact.
Section 230(2)	Reference to <i>Hukum Syarak</i> for lacuna circumstances	
Arahan Amalan No. 4 of 2020		Submission of forensic evidence in Syariah Court proceedings.

Besides that, the study also found 28 case reports from three major Malaysian law journals: Jurnal Hukum (JH) (published by the Department of Syariah Judiciary Malaysia), Shariah Law Reports (ShLR) (published by Malayan Law Journal Sdn Bhd), and Legal Network Series (LNS) (published by CLJ Malaysia Sdn Bhd). Here is a list of 28 cases that include expert opinion and/or forensic evidence:

1. *AHMG v. AGMG & Ors* [2019] 3 ShLR 1, Case No. 10000-044-0063-2016, (Syariah Court of Appeal, Shah Alam).
2. *Ainun bt Abd Majid v. Mohamad Adam bin Bakar* [2008] 4 ShLR 141, Case No. 10005-014-229-2004, (Syariah Subordinate Court, Kajang).
3. *Hisham Halim v. Maya Ahmad Fuaad* [2018] 3 LNS 15, Case No. 14006-058-0043-2017, (Syariah Subordinate Court, Federal Territory of Kuala Lumpur).
4. *Indastri bin Saion v. Sharifalaili bt Hussin @ Mukhtar* [2018] 2 ShLR 70, Case No. 10003-058-1484-2013, (Syariah Subordinate Court, Klang).
5. *Jimmy Shanley bin Norjahan Saleh lwn. Nursuhaila Eliani binti Suhaimy* [2018] 47(1) JH 77, Case No. 10300-036-0236-2013, (Syariah High Court, Shah Alam).
6. *Kerajaan Negeri Terengganu lwn. YAM Tengku Ibrahim bin Sultan Ismail Nasiruddin Shah* [2004] 18(1) JH 65, Case No. 040(2)-6/2003, (Syariah Court of Appeal, Terengganu).
7. *Khalid bin Abdul Samad v. Ketua Pendakwa Syarie Selangor* [2018] 2 ShLR 47, Case No. 10500-137-0007-2017, (Syariah High Court, Shah Alam).
8. *Marlia Akmar bt Ramli v. Ramli bin Abdul Rashid* [2008] 3 ShLR 128, Case No. 10005-052-0747-2005, (Syariah Subordinate Court, Hulu Langat).
9. *Mohd Zulhaini Uzir v. Fadzlina Mohd Fadzil* [2012] 1 CLJ (Sya) 368, Case No. 07500-077-0001-2012 & 07500-054-0002-2012, (Syariah High Court, Pulau Pinang).
10. *Mustafah Batcha lwn. A Habeba Abd Rahman* [2004] 1 CLJ (Sya) 152; [1991] 7(2) JH 255, Case No. 7/90, (Syariah Court of Appeal, Negeri Sembilan).
11. *Nor Faizah bt Abdul Samad v. Abu Bakar bin Abdul Ghaffar* [2010] 1 ShLR 132, Case No. 10003-055-14-2002, (Syariah Subordinate Court, Klang).
12. *Nurhisam Johari lwn. Shamliza Shafie* [2017] 3 LNS 37, Case No. 11008-054-0683-2015, (Syariah Subordinate Court, Marang).

13. *Nurul Huda bt Ismail v. Nurrizal bin Ahmad Imran* [2009] 1 ShLR 108, Case No. 10008-014-0052-2005, (Syariah Subordinate Court, Hulu Selangor).
14. *Pendakwa Syarie Negeri Sabah lwn. Rosli bin Abdul Japar* [2007] 23(2) JH 237, Case No. 8-3/95-7(7)-2001, (Syariah High Court, Keningau).
15. *Pendakwa Syarie Negeri Selangor v. Khalid bin Abdul Samad* [2019] 3 ShLR 39, Case No. 10003-137-0105-2013, (Syariah Subordinate Court, Klang).
16. *Ramli bin Abdul Rahman lwn Marlia Akmar binti Ramli* [2010] 30(2) JH 199, Case No. 10000-052-0001-2008, (Syariah Court of Appeal, Shah Alam).
17. *Re Tamrin bin Tanni* [2016] 43(1) JH 25, Case No. 12000-003-004-2012, (Syariah Court of Appeal, Sabah).
18. *Salim lwn. Masiah* [1982] 3 LNS 13, Case No. 1/75, (Syariah Court of Appeal, Terengganu).
19. *Shahnaz bt Majid v. Dato' Sri Mahmud Abu Bekir Taib* [2018] 3 ShLR 15, Case No. 14100-016-0107-2011, (Syariah High Court, Federal Territory of Kuala Lumpur).
20. *Sharimah Muhamad lwn. Ahmad Burhanuddin Abdullah* [2007] 23(2) JH 263, Case No. 03000-055-0003-2006, (Syariah Court of Appeal, Kota Bharu).
21. *Suraiya bt M. Shafie lwn Abd Shukor Bin Mohd Hashim* [2009] 27(2) JH 331, Case No. 05100-016-0489-2006, (Syariah High Court, Seremban).
22. *Tunku Noor Hayati bt Almarhum Tunku Abdul Rahman Putra & Ors v. Tunku Khadijah bt Tunku Abdul Rahman Putra (administrator for the estate of Almarhum Tunku Abdul Rahman Putra) & Anor* [2016] 2 ShLR 112, Case No. 24-642-06-2014, (High Court of Malaya, Shah Alam).
23. *Zakaria @ Supar bin Ali v. Haznah @ Maznah bt Embong* [2011] 2 ShLR 12, Case No. 11300-0003-0021-2009, (Syariah High Court, Kuala Terengganu).
24. *ZZ v. NA* [2019] 1 ShLR 57, Case No. 10500-006-0013-2016, (Syariah High Court, Shah Alam).

After reviewing all 24 case reports, the researcher discovered that some of them outlined the qualifications and trustworthiness required of an expert in the Syariah Court. The cases include *Shahnaz bt Majid v. Dato' Sri Mahmud Abu Bekir Taib* [2018] 3 ShLR 15, *Hisham Halim v. Maya Ahmad Fuaad* [2018] 3 LNS 15, and *Sharimah Muhamad v. Ahmad Burhanuddin Abdullah* [2007] 23 (2) JH 263. In these cases, the Syarie judges underline that a person's expertise may be confirmed via

special education or work experience. This is almost identical to the procedure used in the Civil Court, as shown in the majority of instances, including *Public Prosecutor v Aszroy bin Achoi* [2018] 9 MLJ 702, *Ch'ng Kheng Phong v Chung Keng Huat and Ors* [2011] 8 MLJ 32, *Dato Mokhtar bin Hashim & Anor v PP* [1983] 2 MLJ 232, and *Chandrasekaran & Ors v Public Prosecutor* [1971] 1 MLJ 153. On the other hand, Syarie judges do not specify the source of their authority when mentioning the expert's qualifying criteria.

Accordingly, to establish a forensic expert's qualifications and credibility in Syariah Court, the researcher analyzed the discourses of earlier and current scholars in their books and literatures. This is actually the correct *modus operandi* as prescribed by the law itself whereas if the Syariah regulations were deficient, *Hukum Syarak* may still be referred to. Section 130 (2) of the Syariah Court Evidence (Federal Territories) Act 1997 plainly stated:

"In the event of a lacuna or where any matter is not expressly provided for in this Act, the Court shall apply Hukum Syarak."

Section Section 230(2) of the Syariah Criminal Procedure (Federal Territories) Act 1997 provided similar connotation. In addition, Section 3 of the Syariah Court Evidence (Federal Territories) Act 1997 as well as Section 2 of the Syariah Criminal Procedure (Federal Territories) Act 1997 defined the term "*Hukum Syarak*" as follows:

"Hukum Syarak" means Hukum Syarak according to the Mazhab Shafie, or according to any one of the Mazhab Maliki, Hanafi or Hanbali;"

This allusion to Islamic law is significant in and of itself. It is included in this study as a supplementary reference where Shariah law in Malaysia does not have the necessary provisions. The Perak Syariah Court of Appeal said in *Hamzah b Zainuddin v Noraini bte Abdul Rashid* [2005] 3 SHLR 94:

"Mere reference to enactments alone without cross-reference to Syarak can lead judges to arrive at wrong decisions. Although the enactments were drafted in detail according to Shariah, sometime there are instances the enactments may err."

Researcher has discovered that, unlike modern scholars, the earlier jurists did not examine this issue in depth or concentrate on one single topic. Instead, it's all over their literature. In fact, this is in line with what being mentioned by Shaniyur (2005),

M. R. al-Umar (2008), and A. M. Ali (2008). Researcher discovered arguments concerning the qualifications and credibility of these expert opinions when the earlier scholars were discussing about the lineage expert (*al-qā'if*) and the distributor (*al-qāsim*).

Additionally, the researcher discovered that the qualifications and trustworthiness of experts accumulated by earlier jurists and current academics are kind of integration between few types of conditions, including general requirements in investiture and general requirement of being an expert. General requirements in investiture include being Muslim, puberty, intelligent, self-sufficient, man, and justness. As for instance, al-Khaṭīb al-Shirbīnī stated:

(ويفتقر القاسم) أي الذي ينصبه الإمام أو القاضي (إلى سبعة شرائط) وزيد عليها
شرائط أخر كما ستعرفها وهي (الإسلام والبلوغ والعقل والحرية والذكورة والعدالة)
لأن ذلك ولاية ومن لم يتصف بما ذكر ليس من أهل الولاية

“It is necessary for the inspector of weights and measures, i.e., an individual appointed by the Ruler or judge, to meet seven conditions, in addition to the already-known ones, namely Islam, puberty, intellect, independence, manhood, and justness, because it is an investiture, and those who do not meet the prerequisites are ineligible to hold it.” (al-Khaṭīb al-Shirbīnī, 2015, p. 656)

As for the general requirement of being an expert, it refers to the circumstance of possessing vast experience (*al-tajribah*) and having empirical knowledge (*al-khibrah*) in a specific domain (al-Baghawī, 1997; Khunain, 2005; Shaniyur, 2005). This is because a person’s knowledge on a subject may be determined by his familiarity with the subject. Obviously, the more experience he gains, the greater his understanding. This is consistent with the following hadith:

عَنْ أَبِي سَعِيدٍ، قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا حَلِيمَ إِلَّا ذُو عَثْرَةٍ، وَلَا حَكِيمَ إِلَّا ذُو تَجْرِبَةٍ»

“Abu Sa‘eed narrated that the Messenger of Allah (s.a.w) said: “There is no forbearance except for the one who stumbled, and there is no wisdom except for the one who has experience”.

(Hadith. al-Tirmidhi. Bāb Mā Jā’a fī-t-Tajāribi. #2033)

According to Jalāluddin al-Suyūfī (2004b), Abdul Rahman al-Mubārakfūrī (2001), al-Muḥṣirī (2012), Mullā ‘Ali al-Qārī (2002b), al-Ṣan‘ānī (2011), and al-

Māwardī (1981), a person will gain expertise only after broad and continuous experience managing a subject, recognizing its source and reference, as well as its benefits and drawbacks. Additionally, they said that a person would get wisdom in the subjects observed only after experiencing the agony of failure and fall, as well as passing through different tests and difficulties while struggling with the subject.

This Chapter 3 has vetted and assessed the necessary qualifications and credibility in accordance with Islamic law. Thus, Chapter 3 will assist Syariah legal practitioners in determining the credentials and trustworthiness needed of forensic specialists.

When delivering expert testimony in the Syariah Court, the forensic expert must follow particular practises and procedures of Syariah criminal procedure as well as the Syariah Court's evidence legislation. These practises and procedures are classified into three stages: before, during, and after the trial. Furthermore, these matters have been included and discussed in Chapter 6 of the Fiqh Forensic module.

These three stages must be well understood and mastered by anybody engaged in the legal or judiciary, particularly Syarie judges. With regard to this matter, Ibnu al-Simnānī once stated:

وأن القاضي يجب أن يكون عارفاً بطرق القضاء قبل حضور الخصوم والدعاوى. حتى إذا حضر، حكم بما يجب الحكم به وحمل الأمر على ما يجب؛ لأن علمه يجب أن يكون سابقاً لمواضع الحكم، وكيفية القضاء، وما له أن يفعل، وما عليه لأن يترك.

“It is obligatory for the judge to be familiar with the method of trial—before the disputing parties attend the trial—and the prosecution, so that if the disputing parties are present, he can judge with what should be judged and carry the matter as it should be carried; This is because his knowledge must precede the subject of judgement, the method of judgement, what he should do, and what he should not do...” (Ibnu al-Simnānī, 1984, p. 271)

Similarly, it has been codified under Sections 1792 & 1793 of *Majallah al-Ahkām al-Adliyyah*:

المادة (١٧٩٢) ينبغي أن يكون القاضي حكيماً فهِمًا مستقيماً، وأميناً مَكِيناً متيناً.

المادة (١٧٩٣) ينبغي أن يكون القاضي، واقفاً على المسائل الفقهية وعلى أصول

المحاكمات ومقتدراً على فصل وحسم الدعاوى الواقعة تطبيقاً لهما.

“The judge must be intelligent, upright, reliable and firm; the judge must have knowledge of Islamic law and jurisprudence and of the rules of procedure, and must be able to decide and settle actions in accordance therewith.”

Consequently, Syariah legal practitioner, especially Syarie judges, in Malaysia must first grasp the discipline of Fiqh Forensic, both substantively and procedurally, before handling forensic evidence and expert testimony in Syariah criminal matters.

5.3.2.2 The Fiqh Forensic module has good content validity

Content validity relates to how well the research instrument assesses the variables and how well it contains information about the examined topic. This is in accordance with the idea from the previous researchers like Alia, Amath, and Kari' (2019), Cohen et al. (2018), Noah and Ahmad (2019), and Ary, Jacobs, and Sorensen (2010).

In terms of determining module content validity, it seeks to characterise the degree to which the module generates what the module is expected to create. A module with high validity is one that can accomplish successfully what is desired in the module's goals (Noah & Ahmad, 2019). A good module is one whose material has been thoroughly evaluated for authenticity.

Determining the validity of a module is difficult due to its abstract character (Konting, 1998; Noah & Ahmad, 2019). The fundamental issue is that this element can only be determined indirectly (Konting, 1998; Noah & Ahmad, 2019). Eventually, this validity may be determined by seeking expert opinion, as proposed by prior studies such as Alia et al. (2019), Noah and Ahmad (2019), Yusoff (2019), Setambah, Tajudin, Adnan, and Saad (2017), Masuwai, Tajudin, and Saad (2016), Ghani and Aris (2012), Konting (1998), and Rusell (1974).

Furthermore, a freshly produced module is submitted to an expert to ensure that the module's content has a positive effect and influence on the user (Alia et al., 2019; Rusell, 1974). This is in accordance with the suggestion given by the earlier Muslim scholars, *inter alia*, al-Nawawī who has recommended the following:

وليحذر أيضا من إخراج تصنيفه من يده إلا بعد تهيئه وترداد نظره فيه وتكريره.

“He should also be wary of publishing a written work from his own hands until after he has checked it and gone over it several times.” (al-Nawawī, 2020a, pp. 63-64; 2020b, p. 167)

Similarly, Ibnu Jamā'ah al-Kinānī has said as follows:

ولا يخرج تصنيفه من يده قبل تهذيبه، وتكرير النظر فيه وترتيبه.

“His writing should not leave his hand without being refined, reconsidered, and arranged.” (Ibnu Jamā'ah al-Kinānī, 2012, p. 60)

The complete draft of the Fiqh Forensic module has been subjected to a procedure of assessing the content's validity. The validity of this module was assessed by two experts with expertise in the topic of this study. Dr. Zainal Abidin bin Kusmin (Expert 1) was the first expert. He works for the Federal Territory Syariah Prosecution Department as a Senior Syariah Prosecutor (JAPENS WP). Meanwhile, Dr. Nur Al-Farahain binti Kamaruzaman (Expert 2) is the second expert. She is a Senior Lecturer at Universiti Sains Islam Malaysia's Faculty of Syariah & Law (USIM). They possess a solid educational foundation and extensive expertise in the subject of Syariah law. Both of them were appointed as experts to examine the module's validity on the advice of the research supervisor.

The researcher has delivered the complete draft version of the Fiqh Forensic module to both of them through the research supervisor for evaluation purposes.¹⁴ Along with the complete draft, the researcher included a copy of the questionnaire named “*Borang Kesahan Kandungan Modul*” for the purpose of evaluating and grading the Fiqh Forensic module.¹⁵

This questionnaire was developed based on and modified from the example form provided by Noah and Ahmad (2019) on page 41 of his book “*Pembinaan Modul: Bagaimana Membina Modul Latihan dan Modul Akademik*”. This form has a 5-point Likert scale: Strongly Agree (5), Agree (4), Not Sure (3), Disagree (2), and Strongly Disagree (1). According to Noah and Ahmad (2019), this form of questionnaire is intended to provide more reliable findings. Additionally, the questionnaire contains a column for the expert's opinions on the module, if the expert feels the need to voice his or her opinions. Then, on 8th September 2021, a second panel of experts provided input and graded the submission. Meanwhile, on 15th October 2021, the first panel of experts submitted input and grading.

¹⁴ The complete draft was attached together with the appointment letter. The researcher has attached the said appointment letter on the Appendix D of this thesis for the purpose of reference and perusal.

¹⁵ The researcher has attached this Form on the Appendix E of this thesis for the purpose of reference and perusal.

Photo 12 below was the evaluation done by the respective experts on Fiqh Forensic module. After gathering replies and grading from these two experts, the researcher has calculated the module's validity.

LAMPIRAN B
KESAHAN KANDUNGAN MODUL FIQH FORENSIK

Yg Bhg. Prof/ Dato/ Dr./ Tuan dan Puan,

Berdasarkan penerangan ringkas yang diberikan, Modul ini merujuk kepada panduan amalan dan prosedur berkaitan pengendalian bukti forensik dan keterangan pakar forensik di Mahkamah Syariah Malaysia. Saya memohon jasa baik pihak Yg Bhg. Prof/Dato/Datin/Dr/Tuan dan Puan untuk menilai kesahan kandungan Modul Fiqh Forensik ini berdasarkan kepada lima aspek yang telah dinyatakan.

Arahan:

Berikut adalah beberapa pernyataan berkaitan dengan Modul yang tuan nilai. Setelah meneliti modul, sila bulatkan jawapan berdasarkan skala berikut:

(5) Sangat Setuju (4) Setuju (3) Tidak Pasti (2) Tidak Bersetuju (1) Sangat Tidak Bersetuju

BH	Pernyataan	Pilihan
1.	Kandungan modul ini menepati sasaran populasinya dan objektif pembelajarannya.	1 2 3 4 5
2.	Kandungan modul ini boleh diamalkan dengan sebaiknya oleh Pegawai Syariah.	1 2 3 4 5
3.	Kandungan modul ini bersesuaian dengan keperluan semasa dalam bidang perundangan Syariah di Malaysia.	1 2 3 4 5
4.	Kandungan modul ini boleh meningkatkan tahap pemahaman terhadap amalan dan prosedur berkaitan bukti dan keterangan pakar forensik.	1 2 3 4 5
5.	Syariah terhadap keterangan qarinah dan pendapat pakar dalam hal-hal berkaitan forensik.	1 2 3 4 5

PENAMBAHAIKAN
Pandangan dan Komen Panel Pakar (Jika Ada):

.....
Tandatangan dan Cop Rasmi
Nama: **ZAMAL ABQIN BIN KUSMAN**
Jawatan: **Pendakwa Syaria' Grad LS 44**
Organisasi: **Jabatan Perundangan Syariah Wilayah Persekutuan (JPEVIS WP)**

Tarikh: **15/10/2024**
.....
(Noah & Ahmad, 2017, h. 41-42)

LAMPIRAN B
KESAHAN KANDUNGAN MODUL FIQH FORENSIK

Yg Bhg. Prof/ Dato/ Dr./ Tuan dan Puan,

Berdasarkan penerangan ringkas yang diberikan, Modul ini merujuk kepada panduan amalan dan prosedur berkaitan pengendalian bukti forensik dan keterangan pakar forensik di Mahkamah Syariah Malaysia. Saya memohon jasa baik pihak Yg Bhg. Prof/Dato/Datin/Dr/Tuan dan Puan untuk menilai kesahan kandungan Modul Fiqh Forensik ini berdasarkan kepada lima aspek yang telah dinyatakan.

Arahan:

Berikut adalah beberapa pernyataan berkaitan dengan Modul yang tuan nilai. Setelah meneliti modul, sila bulatkan jawapan berdasarkan skala berikut:

(5) Sangat Setuju (4) Setuju (3) Tidak Pasti (2) Tidak Bersetuju (1) Sangat Tidak Bersetuju

BH	Pernyataan	Pilihan
1.	Kandungan modul ini menepati sasaran populasinya dan objektif pembelajarannya.	1 2 3 4 5
2.	Kandungan modul ini boleh diamalkan dengan sebaiknya oleh Pegawai Syariah.	1 2 3 4 5
3.	Kandungan modul ini bersesuaian dengan keperluan semasa dalam bidang perundangan Syariah di Malaysia.	1 2 3 4 5
4.	Kandungan modul ini boleh meningkatkan tahap pemahaman terhadap amalan dan prosedur berkaitan bukti dan keterangan pakar forensik.	1 2 3 4 5
5.	Syariah terhadap keterangan qarinah dan pendapat pakar dalam hal-hal berkaitan forensik.	1 2 3 4 5

PENAMBAHAIKAN
Pandangan dan Komen Panel Pakar (Jika Ada):

Saya Sangat setuju dan menyontong Penah Modul Fiqh Forensik ini di jadikan Panduan dan Arahan di Mahkamah Syariah

.....
Tandatangan dan Cop Rasmi
Nama: **NUR AL-FARHAIN BINTI KAMARUZAMAN**
Jawatan: **PENSYARAH KANAN**
Organisasi: **FAKULTI SYARIAH DAN UNDANG-UNDANG, UNIVERSITI SAINS ISLAM MALAYSIA**

Tarikh:

.....
(Noah & Ahmad, 2017, h. 41-42)

Photo 12: Module content validity assessment by Expert 1 (left) and Expert 2 (right)

This computation is done using formula stated by Noah and Ahmad (2019):

$$\frac{\text{Total Expert Score } (x)}{\text{Maximum Score } (25)} \times 100\% = \text{Content Validity Achievement}$$

Source: Noah and Ahmad (2019)

(1.1) Calculation Formula for Module Content Validity

To establish if a module has enough content validity, Noah and Ahmad (2019) cites Tuckman and Waheed (1981) and Nordin (1995), who indicated that 70% mastery or accomplishment is regarded to be a high degree of mastery or success. As a result, a module's percentage value is determined once it has been appraised by experts through a questionnaire. The expert's total score on the Likert scale will be added (x), divided by the Likert scale's maximum score (25) and then multiplied by 100. If the percentage attained is more than 70%, this module has a high degree of content validity, and vice versa. If the percentage attained is less than 70%, the module's content is not sufficiently valid. This proportion is then transformed to decimal form, with 100% denoted by 1.00 and 0% denoted by 0.00, which corresponds to the correlation coefficient's value. A content validity accomplishment of 80% may be deemed to have a content validity coefficient of .80 using this technique.

Meanwhile, the following is the computation of the Fiqh Forensic module's content validity achievement score based on the supplied formula:

Expert 1's score value is $22/25 \times 100\% = 88\%$

Expert 2's score value is $24/25 \times 100\% = 96\%$

The average total score is $(88\% + 96\%)/2 = 92\%$

The content validity coefficient for Fiqh Forensic module is 0.92 or .92

According to Noah and Ahmad (2019), Nordin (1995), and Tuckman and Waheed (1981), the content of the Fiqh Forensic module demonstrates a high degree of mastery or success, as shown by its content validity coefficient of 0.92, which is more than 0.70.

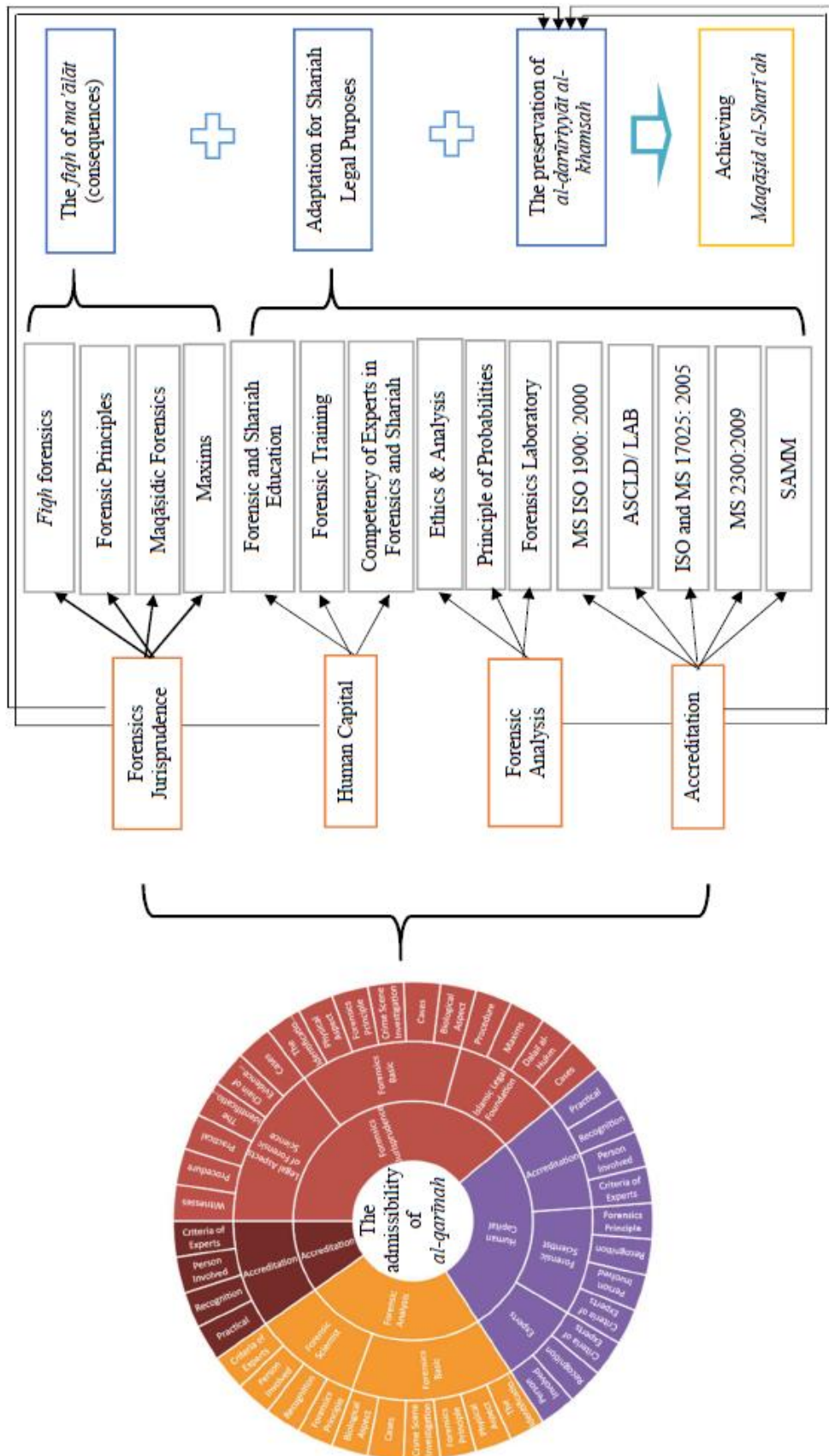


Figure 23: Fiqh Forensic theory in a nutshell

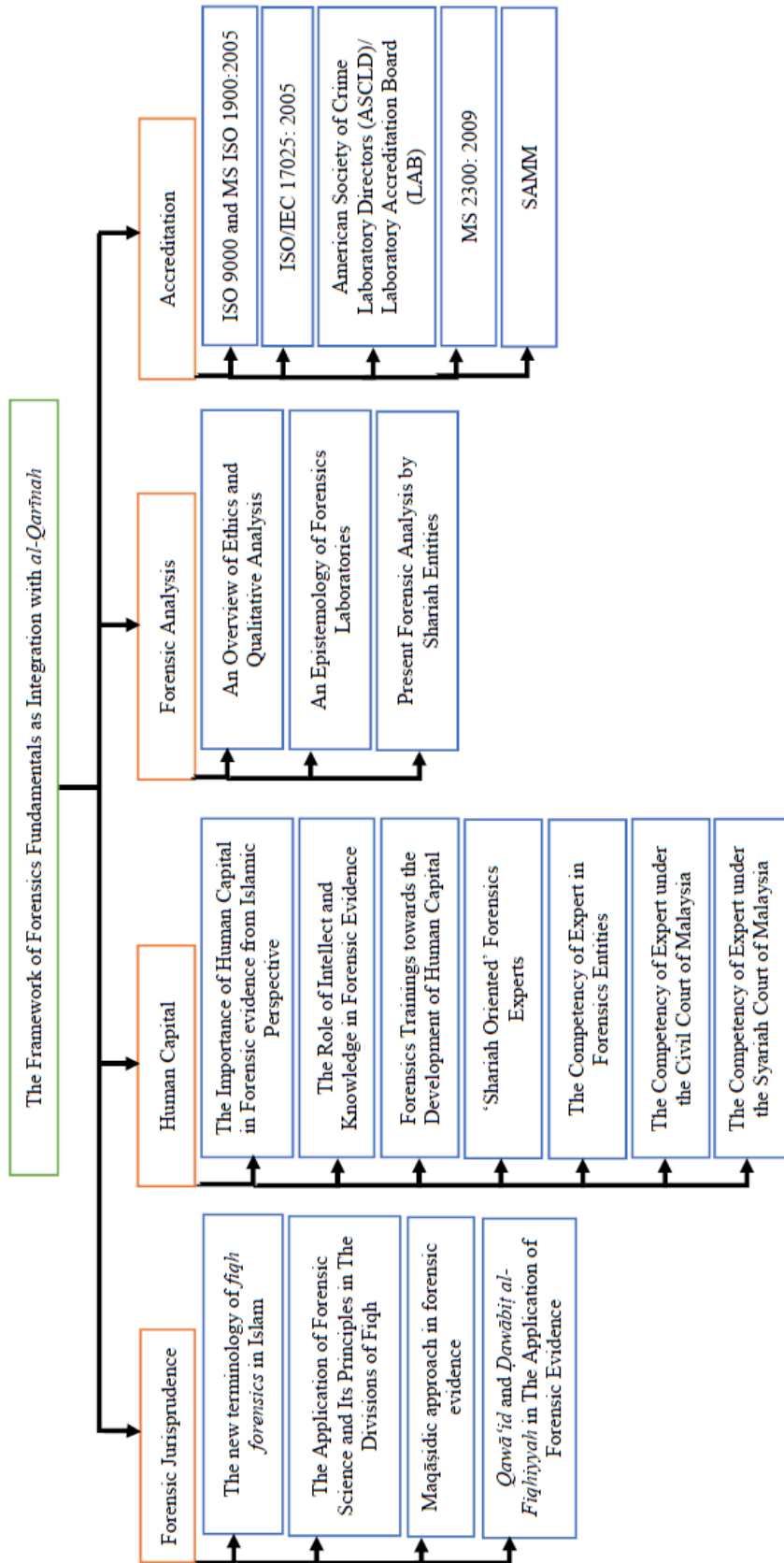


Figure 24: The Framework of Fiqh Forensic

The researcher has implemented the theory of Fiqh Forensic in the form of a module. As been noted before in this thesis, this module has six major titles derived from Fiqh Forensic theory, as well as two extra titles, namely Introduction and Conclusion.

Researcher is attempting to develop this module for a variety of reasons, all of which are motivated by the researcher's desire and motivation to contribute to the advancement of Malaysia's Syariah legal system. This, according to al-'Izz Ibni Abdissalam (2020a), is part of the collaboration necessary to advance the objectives of Islamic law, as mandated in the second verse of Surah al-Mā'idah:

﴿وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ﴾

“Help ye another in righteousness and piety, but help ye not one another in sin and rancour: fear Allah: for Allah is strict in punishment.”

(Al-Qur'an. Al-Ma'idah 5:2)

According to the researcher's observations and seven years¹⁶ of experience studying in the domain of Syariah law, there are several areas of Malaysian Syariah law that could be improved and effectively implemented if correctly understood.

Additionally, Noah and Ahmad (2019) commented that identifying the aim or purpose of a module is mostly influenced by the interests and ideals of the module developer, and that this is true. Furthermore, they said that this decision would generally define the content of the module as well as its intended audience.

Based on the first and second outcomes of this study, the researcher developed a Fiqh Forensic module designed for Syarie judges, lawyers, and Islamic religious enforcers.

¹⁶ The researcher studied and graduated from USIM after studying the following disciplines: one year of Tamhidi of Syariah and Law; five years of Bachelor of Laws and Shariah (LLB and Shariah) (Hons.); and one year of Diploma in Judicial and Advocatory Practice (DIJAP). He is now continuing his studies at USIM in the discipline of Master of Syariah (By Research). Additionally, the researcher received two months of industrial training in the Pontian Syariah Subordinate Court. Apart from that, he worked as a part-time employee at the Pontian District Kadi Office. Additionally, the researcher was involved in various research projects in the subject of Syariah law in Malaysia as a Graduate Research Assistant and Research Enumerator from 2018 to 2022 via the FRGS, industry, and internal research grants schemes.

5.3.3.2 Considering the advice of prominent scholars

The advice given by prominent scholars was taken into consideration when developing this module. The following are some of their ideas:

- Acquiring the necessary references for study as they are the tools required to seek knowledge and information (al-‘Almawī, 2004; Badruddin al-Ghazzī, 2009; Ibnu Jamā‘ah al-Kinānī, 2012)
- The books of the earlier scholars should be the most important references (al-Shāṭibī, 2001, 2017b; Ibnu Rajab al-Ḥanbalī, 2003).
- Blend and harmonize both the traditional as well as the contemporary reference materials (al-Qaraḍāwī, 2013a, 2013b; Ali Jum‘ah, 2009; Humaysh, 2007; Kamali, 2007; Muhammad al-Zuḥaylī, 2002, 2010).
- Simple, straightforward, and easy-to-understand language should be used throughout the document (al-Nawawī, 1985, 2020a, 2020b; al-‘Uthaimīn, 2014; Ibnu Jamā‘ah al-Kinānī, 2012; Jalāluddīn al-Suyūṭī, 2016).
- Write things that other people don’t or don’t say much about (al-Nawawī, 2020a, 2020b; al-‘Uthaimīn, 2014; Ibnu Jamā‘ah al-Kinānī, 2012; Jalāluddīn al-Suyūṭī, 2016).
- Ascertain the need for writing a book or other works of literature (al-Nawawī, 1985, 2020a, 2020b; al-‘Uthaimīn, 2014; Ibnu Jamā‘ah al-Kinānī, 2012).
- Before a piece of work is published or circulated, it should be thoroughly checked for accuracy and completeness (al-Khaṭīb al-Baghdādī, 1984; al-Nawawī, 1985, 2020a, 2020b; al-‘Uthaimīn, 2014; Ibnu Jamā‘ah al-Kinānī, 2012; Jalāluddīn al-Suyūṭī, 2016).

They were advised to be moderate in their writing, as well as to review and validate the content of the module before it is published or disseminated to the intended audience. al-Nawawī once encouraged writers to keep their prose as simple as possible so that it may be readily comprehended and digested by people who read it.

وليحذر أيضا من إخراج تصنيفه من يده إلا بعد تهذيبه وترداد نظره فيه وتكريره،
وليحرص على إيضاح العبارة وإيجازها، فلا يوضح إيضاحا ينتهي إلى الركافة، ولا
يوجز إيجازا يفضي إلى المحق والاستغلاق.

“He should also be wary of publishing a written work from his own hands until after he has checked it and gone over it several times. In addition, he should desire to have a clear expression, and it should be brief as well. Thus, he should not clarify a matter in which such a way that it leads to pallid; and he should not be so brief that his speech is ineffective and ambiguous.” (al-Nawawī, 2020a, pp. 63-64; 2020b, p. 167)

In his book *al-Majmū‘ Sharḥ al-Muhadhdhab*, al-Nawawī has changed how he writes. He has moved on from the first edition of *al-Majmū‘*, which he wrote with too many detailed and long descriptions. He has written a new edition of *al-Majmū‘*, which he did with a fairly straightforward writing style. This has been said by al-Nawawī himself in the introduction section of *al-Majmū‘*:

وقد كنتُ جمعتُ هذا الشرح مبسوطا جدا بحيث بلغ إلى آخر باب الحيض ثلاث مجلدات ضخمة، ثم رأيتُ الاستمرار على هذا المنهاج يؤدي إلى سامة مطالعه، ويكون سببا لقلّة الانتفاع به لكثرتّه، والعجز عن تحصيل نسخة منه، فتركتُ ذلك المنهاج، فأسلكتُ الآن فيه طريقة متوسطة إن شاء الله تعالى، لا من المطولات المملات، ولا من المختصرات المخلات، وأسلكتُ فيه أيضا مقصودا صحيحا، وهو أن ما كان من الأبواب التي لا يعم الانتفاع بها لا أبسط الكلام فيها؛ لقلّة الانتفاع بها، وذلك ككتاب اللعان، وعويص الفرائض، وشبه ذلك، لكن لا بد من ذكر مقاصدها.

*“Indeed, I have prepared this explanation in three enormous volumes till the conclusion of the chapter of Menstruation. Then, I believe that continuing to utilise this way of writing will weary the readers since the advantages of writing cannot be felt and they are unwilling to replicate the script. As a result, I abandoned the technique. Now, I've included a modest writing style in this book that, if Allah wills, will not be too lengthy so that it seems tedious and not too short so that it feels meaningless. And I also accompanied this book with the intention that the discussion of chapters that are less instructive, such as the chapters of the Oath of Condemnation (*al-li‘ān*) and the Law of Descent and Distribution (*al-farā'id*), will not be addressed at length. However, I shall explain all of the objectives inherent within it.” (al-Nawawī, 2020b, p. 79)*

Accordingly, Ibnu Jamā‘ah al-Kinānī had also underlined the importance of this methodology:

وليكن اعتناؤه بما لم يسبق إلى تصنيفه، متحريرا إيضاح العبارة في تأليفه، معرضا عن التطويل الممل، والإيجاز المخل، مع إعطاء كل مصنف ما يليق به، ولا يخرج تصنيفه من يده قبل تهذيبه، وتكرير النظر فيه وترتيبه.

“His intention should be to write about previously unwritten subjects, attempting to clarify the phrase in his writing, avoiding tedious lengthening and disturbing brevity, while giving each piece of writing the attention it deserves, and his writing should not leave his hand without being refined, reconsidered, and arranged.” (Ibnu Jamā‘ah al-Kinānī, 2012, p. 60)

As seen by the preceding extracts, scholarly writing, especially academic modules, not only need moderation, but also requires evaluation, validation, and verification before its content can be communicated to the target audience. Plethora of academicians, including Rusell (1974) Lawshe (1975), Lynn (1986), Noah and Ahmad (2019), Setambah et al. (2017), Kasim and Ahmad (2018), Alia et al. (2019), Chua, Balakrishnan, Chai, and Koh (2020), Buang and Janudin (2021), Harun and Yaacob (2021), and Hamzah et al. (2021), concur with this viewpoint.

5.3.3.3 Validation from experts in the subject matter is essential

If developer is capable, he can do this validation independently; if not, he may delegate it to others. Validation is best accomplished by experts in the study area (Noah & Ahmad, 2019; Rusell, 1974). It's much more important when the draught module's developer is one of the novice researchers who developed it to meet the demands of postgraduate students pursuing master's and doctorate degrees. They need additional aid from specialists in the industry to examine and confirm their modules' content. This is because, as al-Māwardī (1972, 1999) mentioned, that every discipline and domain of knowledge has its own experts, and no one knows its value more than them.

The content of Fiqh Forensic module has been validated by two specialists in Islamic law of criminal and evidence. The first expert is a Malaysian Syariah legal practitioner. The second expert is a lecturer of Syariah criminal law at public university. Expert from the industry were chosen to review the module's material from the practical and technical sides of Malaysian Syariah law, since they have substantial experience applying and executing the law in Malaysia. Meanwhile,

academic expert was appointed to analyse the content of the module from the theoretical perspective of Syariah law and the module's technical construction.

The results of the content validity analysis of the module revealed that the contents are excellent, with a content validity coefficient of 0.92, which is above 0.70.

5.3.3.4 Syariah Officers should be given the chance to execute the module

Furthermore, after evaluating its validity, Expert 1 added his thoughts on the provided section. The following are the remarks he made, which were taken verbatim from the questionnaires by the researcher:



Photo 13: Remarks given by the Expert 1

Based on the Photo 13 above, the Expert 1 has explicitly given the remarks: “*I concur and wholeheartedly endorse the implementation of this Fiqh Forensic Module as a guideline and practise in Syariah Courts*”. Upon reflection, this statement represents an acknowledgment of the researcher's efforts and good intentions, as well as the efforts and good intentions of the parties who have assisted him in various ways, both directly and indirectly. This remark also demonstrates that the material of this module is relevant to Malaysian Syariah law and may be used in Syariah courts as a future reference. In the meanwhile, Syariah Officers should be given the chance to execute this module at different levels within the organisation. It is the most critical phase for determining the reliability and effectiveness of the module (Noah & Ahmad, 2019). This is the second stage in the module construction model that was used in this study, and it is also the most time-consuming. If researcher is given this expected

chance, the quality of the present module will undoubtedly increase when the essential improvements are made.

5.3.3.5 Implement the module into the Syariah legal training courses

Increased efforts are being made to create Syariah judicial and legal training institutes, with plans to open them in the near future (Adil, 2016; M. N. Mokhtar, 2020a, 2020b, 2021). Specifically, this is to improve officers from the Syariah judicial and legal services as well as law enforcement agencies' knowledge, skills, competence, and professionalism by providing relevant, high-quality, and effective training that is consistent with the present state of the law. The findings of this research indicate that the Fiqh Forensic module be included in the Institute's training curriculum in conjunction with these aims and efforts. This will help strengthen the knowledge and abilities of Syariah judges, lawyers, and Islamic religious enforcers in Malaysia. Furthermore, it might be one of the remedies to issues such as a lack of legal awareness and training on substantive and procedural issues.

It's something that Abū al-Ma'ālī al-Juwaynī (2011), al-Nawawī (2020a, 2020b), al-Qarāfi (1995), Ibnu Farḥūn (2016a), al-Ṭarābulusi (2018a), Ibnu al-Qayyim al-Jawziyyah (2019g), Ibnu al-Simnānī (1984), Ibnu 'Abidin (2020), Ḥaydar (2003) and other contemporary researchers have been advocating for a long time (M. H. Ahmad, Baharuddin, Hashim, et al., 2020; Awang, 2015; Bakar, 1997; Deris & Tajuddin, 2015; W. A. F. W. Ismail et al., 2021b; Jamal, 2007; Khunain, 2003; Othman, 1997; Sufian, Rahman, & Wahab, 2017; Z. I. Zakaria & Nasohah, 2020).

5.3.3.6 The establishment of Syariah Forensic Laboratory

Aside from Syariah judicial and legal training institutes, the Syariah Forensic Laboratory is another notion that has to be examined for development. The intended lab will solely assess evidence for the Syariah Court. While undertaking research, the researcher discovered that this idea was only present in a small number of the documents that address the evidence of forensic science in the Syariah Court (M. H. Ahmad, Razak, Saharudin, Nasir, et al., 2019; Baharuddin, 2017c; Baharuddin, Anan, et al., 2015). This proposal is also made by the researcher in paragraphs 1.4 and 5.4.7 of the Fiqh Forensic module.

Many recommendations concentrate on changing or establishing new legislation. Researcher believed that establishing a Syariah forensic laboratory is both viable and reasonable. This is based on some fundamental needs. The main objective is to reduce the burden of the Department of Chemistry Malaysia in forensic science analysis.

Table 37: Number of cases and samples that were analysed at the Department of Chemistry Malaysia Petaling Jaya throughout the year 2016

Type of cases	Total cases	Total samples
Narcotic	19,370	130,286
Forensic DNA	3,016	35,666
Toxicology	4,296	46,397
Criminalistics	2,482	2,482
Questioned document examination	353	353
Total	29,517	215,184

According to the Department of Chemistry Malaysia's 2016 Annual Report, the Petaling Jaya Forensic DNA Division has received a total of 29,517 cases and 215,184 samples. The Table 38 above shows the detailed findings for 3,016 cases and 35,666 samples for DNA analysis. When cases and samples connected to Syariah criminal crimes are forwarded to the Syariah Forensic Laboratory for analysis, the Department of Chemistry Malaysia's workload is expected to be reduced.

Among the considerations for this laboratory's establishment is adherence with particular accreditation standards. As per Wilson-Wilde (2018), accreditation is the official certification by an independent authority (usually called an accrediting body) utilising technical specialists that a facility is operating in accordance with global standards. Accreditation of test labs, according to some researchers, such as Ross and Neuteboom (2020), McCartney and Nsiah Amoako (2019), Ivanović (2019), Islek and Yukseloglu (2018), Wilson-Wilde (2018), and Baharuddin (2017c), ensures that expert evidence for courts is accepted across the globe.

Table 38: List of needed accreditations with descriptions and key areas for Syariah Forensic Laboratory

Accreditations	Explanation	The focused aspect
MS ISO 1900: 2014	Develop a quality management system that focuses on universal ideals, while also improving the organization's governance and efficiency.	Management quality in terms of ensuring customer satisfaction while adhering to Syariah principles.
ASCLD/LAB	A widely recognised voluntary accreditation method for crime laboratories.	Accreditation of forensic science tests in labs and calibration of alcohol breath tests.
ISO 17025: 2005	Make sure that a lab can set a standard for how it does testing and calibration, including how it takes samples.	It focuses on the technical elements of laboratory analysis.
SAMM	There are 10 policies that cover different parts of the process of determining whether a lab or inspection body can do a good test, calibrate, or inspect.	It covers particular areas needed to get ISO 17025:2005 for laboratories. It focuses on the technical side of laboratory analysis.
MS ISO 2300: 2009	It is a set of guidelines and standards for establishing an Islamic value-based management system.	It places considerable emphasis on the development and integration of Islamic ideals into an entity's management.

The MS ISO 1900: 2014 (Shariah-based quality management systems – Requirements with Guidance), ASCLD/LAB (American Association of Crime Lab Directors Accreditation Board), ISO 17025: 2005 (Accreditation Laboratory), SAMM (Malaysian Laboratory Accreditation Scheme), and MS ISO 2300: 2009 (Value-Based Management Systems Requirement from An Islamic Perspective) are among the accreditations actually required by this Syariah Forensic Laboratory. The Table 38 above provides brief summary and key points for each accrediting standard.

The application of MS ISO 1900: 2014 in embracing all spheres of human life shows how this standard addresses the public interest, which is one of the Islamic law objectives as elucidated by al-Ghazāli (2015). Other three accreditation standards, including MS ISO 17025:2005, SAMM and ASCLD/LAB, are also being used to assure the continuation of quality assurance and continuous development in forensic analysis and calibration. Moreover, these functional qualities are mentioned in various Qur'anic verses relating to everyday life quality improvement:

﴿وَإِذْ أَخَذْنَا مِيثَاقَ بَنِي إِسْرَائِيلَ لَا تَعْبُدُونَ إِلَّا اللَّهَ وَبِالْوَالِدَيْنِ إِحْسَانًا وَذِي الْقُرْبَىٰ
وَالْيَتَامَىٰ وَالْمَسْكِينِ وَقُولُوا لِلنَّاسِ حُسْنًا وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ ثُمَّ تَوَلَّيْتُمْ إِلَّا
قَلِيلًا مِّنْكُمْ وَأَنتُمْ مُّعْرِضُونَ﴾

“And remember We took a covenant from the children of Israel (to this effect): worship none but God; treat with kindness your parents and kindred and orphans and those in need; speak fair to the people; be steadfast in prayer; and practice regular charity. Then did ye turn back except a few among you and ye backslide (even now).”

(Al-Qur’an. Al-Baqarah 2: 83)

﴿وَأَنْفِقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ
الْمُحْسِنِينَ﴾

“And spend of your substance in the cause of God and make not your own hands contribute to your destruction but do good; for God loveth those who do good.”

(Al-Qur’an. Al-Baqarah 2: 195)

﴿الَّذِينَ يُنْفِقُونَ فِي السَّرَّاءِ وَالضَّرَّاءِ وَالْكُظُمِينَ الْغَيْظِ وَالْعَافِينَ عَنِ النَّاسِ وَاللَّهُ يُحِبُّ
الْمُحْسِنِينَ﴾

“Those who spend (freely) whether in prosperity or in adversity; who restrain anger and pardon (all) men; for God loves those who do good.”

(Al-Qur’an. Āli ‘Imrān. 3: 134)

﴿فَاتَّاهُمُ اللَّهُ ثَوَابَ الدُّنْيَا وَحَسُنَ ثَوَابُ الْآخِرَةِ وَاللَّهُ يُحِبُّ الْمُحْسِنِينَ﴾

“And God gave them a reward in this world and the excellent reward of the Hereafter. For God loveth those who do good.”

(Al-Qur’an. Āli ‘Imrān. 3: 148)

﴿وَإِنْ أَمْرَةٌ خَافَتْ مِن بَعْلِهَا نُشُوزًا أَوْ إِعْرَاصًا فَلَا جُنَاحَ عَلَيْهِمَا أَن يُصَلِّحَا بَيْنَهُمَا
صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُحْضِرَتِ الْأَنفُسُ الشُّحَّ وَإِن تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا
تَعْمَلُونَ خَبِيرًا﴾

“If a wife fears cruelty or desertion on her husband’s part there is no blame on them if they arrange an amicable settlement between themselves; and such settlement is best; even though men’s souls are swayed by greed. But if ye do good and practice self-restraint God is well-acquainted with all that ye do.”

(Al-Qur’an. an-Nisā’ 4: 128)

﴿وَابْتَغِ فِيمَا آتَاكَ اللَّهُ الدَّارَ الْآخِرَةَ وَلَا تَنْسَ نَصِيبَكَ مِنَ الدُّنْيَا وَأَحْسِنَ كَمَا أَحْسَنَ اللَّهُ إِلَيْكَ وَلَا تَبْغِ الْفَسَادَ فِي الْأَرْضِ إِنَّ اللَّهَ لَا يُحِبُّ الْمُفْسِدِينَ﴾

“But seek, with the (wealth) Which God has bestowed on thee, The Home of the Hereafter, nor forget thy portion in this World: but do thou good, As God has been good To thee, and seek not (Occasions for) mischief in the land: For God loves not those Who do mischief.”

(Al-Qur'an. al-Qaṣaṣ 28: 77)

﴿إِنَّا كَذَلِكَ نَجْزِي الْمُحْسِنِينَ﴾

“Thus, indeed do We reward Those who do right.”

(Al-Qur'an. al-Sāffāt 37: 121)

MS 2300: 2009, which includes value-based management quality, also contributes to attaining the goals of Islamic law. This quality assurance will improve the management's efficiency and effectiveness. This might improve the quality of forensic science practitioners and consequently the dependability of forensic institutions. The Islamic ideals offered in this MS 2300: 2009 utilising the Discovery-Action-Engage-Institutionalise (DAEI) framework are beneficial to humanity. This compromises public interest by focusing on particular public needs utilising forensic scientific analysis.

5.4 Implication of Study

Each research project has its unique significance. Values might differ depending on the individual's point of view. Several implications have been observed, which may be grouped into three categories of implication: those affecting academics, those affecting individuals and the Muslim community, and those affecting authority.

5.4.1 Implications for Academic Literature

Many prior researchers have emphasised the barrier between science, law, and Islamic jurisprudence, and the researcher in this study has attempted to breakthrough that barrier to some degree. This research used a Fiqh Forensic theory and a module development approach to create a comprehensive academic module for the study's target audience. This entails expanding the discipline of Fiqh Forensic from a theoretical to a practical level. In terms of the study's research field, the qualitative content analysis was used in the development of the Fiqh Forensic module. The

researcher made extensive references in order to gather data from primary and secondary sources. These consequences may be beneficial to academics, new researchers, and students. This is due to the fact that the researcher in this study has dug up all of the 'relics' of earlier prominent scholars, particularly in the forgotten field of Islamic judiciary and advocacy, and have further harmonised them with contemporary documents in order to address the problem of inadequate knowledge and capabilities in Islamic judicial and legal affairs.

5.4.2 Implication for Individuals and the Muslim Community

This research has ramifications not just for the academic community, but also for all Muslims, who are always yearning for religious knowledge. This study established that Islam is a complete and relevant religion at all times, capable of dealing with technical, technological, and scientific research-related issues. Additionally, this research identified many provisions in the Quran and Sunnah that reflect forensic ideas and theories. This was not widely recognised among earlier jurists and academicians, but as science and technology advanced, the characterization and processing of scientific issues included in legal texts became more disciplined and methodical. Since the Syariah entities have implemented new model forensics applications, the renewal of this forensics application has assisted society, particularly Muslim communities, in controlling themselves from engaging in any wrongdoing, particularly committing Syariah illegal acts.

5.4.3 Implication for Authorities

A number of implications for authorities, both generally and particularly, have been recognised. In general, the Fiqh Forensic module may be recommended to governmental agencies. This follows the progressive suggestions for the establishment of a Syariah Judicial and Legal Training Institute. This module may be used to train Syariah officers at the Institute. In addition, the validity of the module content was examined by two experts who were designated to the task, and the findings of the assessment revealed that the module material was valid and could be utilised for future action, such as completing reliability and effectiveness tests on the module via experimental field studies.

It is appropriate for Syariah judges, attorneys, and religious enforcers to employ this academic-concept module as guidance when they are confronted with situations involving the use of forensic evidence and expert testimony during their work. This is because this module offers both theoretical and practical perspectives on Islamic law and Malaysian Syariah law, as well as certain Syariah Court case reports relevant to the argument.

Additionally, this module has beneficial implications for authorities as a reference or source of inspiration in improving the Arahan Amalan for forensic evidence and expert testimony. This is because this module covers a number of critical topics not addressed in the Arahan Amalan. As such, the authority may impose it as a supplement to the current Arahan Amalan or as guidance for revising the existing Arahan Amalan.

5.5 Suggestions for Future Research

According to the findings of the research, a qualitative content analysis approach was used in its entirety. Ultimately, the results met the aims and provided answers to the research questions pertaining to the development of the Fiqh Forensic module. Additional research including these characteristics, however, will be required to broaden the scope of the study.

5.5.1 Examine the forensic aspects in the traditional Islamic jurisprudential and judicial writings

The researcher has detailed, as far as the researcher has been able to locate, the elements and principles of forensic science contained in the Quran, Sunnah, and the books of the earlier scholars in Chapter 2 of the Fiqh Forensic module, notably paragraphs 2.3 and 2.7. As far as researcher concern, those forensic science elements and principles have yet to be considered in the framework of contemporary Syariah legislation. Those facts were left untouched in the textbooks, with no attempt to develop them further. Some of the books are actually renowned among Malaysian Muslims, but the elements and principles that appear in them are not published or addressed further by the Malaysian researchers.

The aspects and concepts of forensic science found in these primary documents, according to the researcher, warrant additional investigation. Those who are interested

and capable of studying it are highly advised to continue this noble endeavour. This will be able to spread knowledge to everyone and make more people see things from a different point of view.

5.5.2 Investigate into each of the essential components of Fiqh Forensic theory

Fiqh Forensic, Human Capital, Forensic Analysis, and Accreditation are all significant parts of Fiqh Forensic theory. Throughout the course of this investigation, the researcher discovered that each of these components might be argued further in order to support, refute, or criticise it. This is due to the fact that the theory needs extensive and varied critique before it can be considered mature and robust.

5.5.3 Developing modules for research purpose with validity, reliability, and effectiveness testing

The researcher developed academic modules in this study utilising Sidek's module development model. The model is divided into two stages: (1) the draft module development; and (2) the module testing.

The researcher discovered that although this Sidek's model has been extensively employed in studies involving the development of modules from a variety of domains, the researcher has yet to come across one involving Syariah law. This subject is not immune from using module construction research to fill in gaps in Malaysia's existing Syariah legal system.

As a result, the study recommended that any research involving module development in the subject of Syariah law should use this Sidek's development model. This is because this model may be used to a wide variety of domains of knowledge. Additionally, it is adaptable for usage at any level of study, including master's degrees, doctoral dissertations, and research projects.

5.6 Conclusion

This chapter summarised and discussed the findings in relation to the study's objectives. Ultimately, this study successfully produced a Fiqh Forensic module for Syariah Officers in Malaysia's Syariah Legal Institution, which comprises Syariah judges, lawyers, and religious enforcers.

As for the first objective, the researcher gathered pertinent data from 989 documents, analysed their content, and identified 154 codes as well as ten themes. Subsequently, this study identified ten challenges that serve as the foundation for the needs in developing the Fiqh Forensic module.

Meanwhile, for the second objective, the researcher collected pertinent data from 724 documents, analysed their content, and identified 30 codes that were then reorganised into six key themes. Consequently, this research arranged as well as structured the Fiqh Forensic module's material into six major topics and thirty sub-topics.

Finally, and perhaps most significantly, the researcher has developed a comprehensive Fiqh Forensic module for Syariah Officers in Syariah Legal Institutions. The Fiqh Forensic module is structured similarly to an academic module. This kind of academic module is a complete collection of academic notes meant to aid the target audience in reviewing, following, and adhering to teaching techniques simply, quickly, and accurately.

These three findings of this study have been thoroughly discussed, including the need to develop modules in order to properly address issues related to knowledge and skills in handling forensic evidence and expert testimony, the needs of those involved in the judicial and legal process, particularly judges, to understand substantives and procedures related to forensic evidence and expert testimony, the validity of the content of the Fiqh Forensic's module, and other issues pertaining to the Fiqh Forensic module's development.

As a whole, this study has developed a comprehensive academic module which can be used by Syariah judges, lawyers, and religious enforcers. This module is both a theoretical and practical guidance for how to handle evidence and the testimony of forensic experts in Syariah Courts. This will help people who work in the courts and for people who want to help them improve their knowledge and skills.