

Changes and Differences in Fatwa from Malaysia and Singapore Contexts

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Abstract: Ibn Qayyim states that changes and differences in issuing fatwa relatively depend on several elements which are the change of times, places, conditions, intentions and customs. In this article, we attempt to elaborate the elements in various form of changes, whether temporal, spatial, conditional, individual, or custom from Malaysia and Singapore contexts by using comparative approach. The contexts cover economy, religious composition, position of Muslims in politics and position of Islam in the constitution of both countries.

Key words: Changes • Fatwa • Malaysia • Singapore • Condition

INTRODUCTION

Fazlur Rahman stated that the problems of human society are always growing and changing along with the changes in society itself. Thus, Islamic law will always change with changes in terms of time and space [1]. This statement is based on a combination of two theories which have been submitted by Ibn Khaldun and Ibn Qayyim around the eighth century after Hijrah. Pioneer to the discipline of sociology, Ibn Khaldun stated:

“The condition of the world and of nations, their customs and sects, does not persist in the same form or in a constant manner. There are differences according to days and periods and changes from one condition to another. Such is the case with individuals, times and cities and it likewise happens in connection with regions and districts, periods and dynasties” [2].

Meanwhile, Ibn Qayyim had submitted his well-known theory that "change and variance happens by the change of times, places, conditions, intentions and customs" or

" *Taghayyur al-Fatwa wa Ihktilafuha bi Hasb Taghayyur al-Azminah wa al-Amkinah wa al-Ahwal wa al-Niyyat wa al-'Awa'id*" [3]. This expression means that changes and differences in fatwa are caused by various form of changes, whether temporal, spatial, conditional, individual, or custom. Based on this concept, contemporary Muslim thinker Dr. Yusuf al-Qaradhawi has said:

"One of the things that cause mufti to slip is that their response is static and rigid adherence to all opinions and fatwas contained in the fiqh books existed from previous centuries. They blindly quote previous rulings from books of fiqh and fatwa without observing the changing conditions in terms of time and place. This is important because things are constantly changing from one time to another..." [4].

These opinions then explained the differences of fatwa which is a medium of promulgation of divine legislation in human life [5]. Fatwa then will always be altered, moving in tandem with changes and differences

surrounding human life whether social, economic, political or cultural. This shows and in another perspective caused by the universal, practical and applicative characteristics of Islam as the only Allah's revealed religion [6].

Humankind does not live in one place and at the same space, people also do not faced the same reality in their lives. Some live in the same place while others in different places, as well as some people enveloped by certain realities. That matter was deeply understood by Ibn Qayyim in understanding the influence played by the change or difference in locality called "*Taghayyur al-Amkinah*" and the influence played by the change or difference in reality called "*Taghayyur al-Ahwal*"

In the context of Malaysia and Singapore, both countries are two different countries from the point of its locality. Singapore has some of the differences involving aspects of social, economic, political and legal reality that is different to Malaysia. Therefore, this paper will try to look in depth at the connection and relation between the differences that existed between Malaysia and Singapore against the fatwa changes and differences.

The spatial and contextual surroundings of human life are not always the same. That matter was deeply understood by Ibn Qayyim when he included these factors in the saying mentioned above, that is the change of place or *taghayyur al-amkinah* and the change of condition or *taghayyur al-ahwal* [7]. As far as Malaysia and Singapore are concerned, both countries are two different places with two difference settings, socially, economically, politically and judicially. Therefore, this paper examines in depth the relations between the spatial and contextual differences of Malaysia and Singapore against the differences of fatwa in both countries.

A Historical Overview of Contextual Changes' Effects on

Fatwa: Flashing back the history of Islamic Jurisprudence starting from 1400 years ago has seen an influence played by the changes and differences of locality, as well as changes and differences in reality. Changes and differences of locality have witnessed the changes occurring in making fatwa. A case involving 'Umar Ibn 'Abd al-'Aziz regarding the form and manner in using a testimony of witnesses. At Medina, he accepted the testimony of a witness with an oath, but at Syria he only accepted testimony of two men or a man with two women [8].

The difference fatwa between scholars of Hijaz and Iraq in understanding the Prophet's orders related to the *Zakah* of Sheep also involve the influence of changing style of living. Iraq at that time had reached level of

civilization as a developed territory, the payment of Sheep's *Zakah* in terms of its value is more appropriate compared to the people of Hijaz who live with bedouin lifestyle [9].

The influence of locality changes and differences is also the reason for existence of *qawl qadim*" and "*qawl jadid*" in al-Shafi'i's fatwas [10]. Land of Hijaz, Yemen, Iraq and Egypt are the places that have different geographical background, culture and lifestyle of people. For example, when in Iraq, he issued a fatwa not permitting selling animal skin because doing business regarding dead animal in Islam is disallowed. But when in Egypt, he changed the fatwa. Fatwa changed because Egypt was among the important places in animal skin business hub that time [11]. Recorded by al-Sayuti that al-Shafi'i has changed most of the *qawl qadim* fatwas remaining only fourteen legal rulings [12].

During the 25 years of Quranic revelations clearly shows the influence of reality changes. Several method of Quranic revelation for instance *al-naskh* is the best example in this case. About method of *al-naskh*, ruling of visiting the grave that was strictly prohibited by the Prophet p.b.u.h had been abolished with the permission to do so [14]. According to Muhammad Mustafa Shalabi, the changes occurred related to the level of faith literacy during the time of prohibition and permission [15]. Prohibition of visiting the grave is appropriate during that time because the companions of the prophet are still new in Islam, their faith and belief are still thin. Their Islamic life is still close to *jahiliyyah* who worship statues and idols, even Jewish people who lived among them has made the graves of their prophets as places of worship [16]. When the circumstances and environment have changed, belief and faith of Prophet's companion strengthened and all forms of statues and idols were demolished, that legal ruling is repealed and visiting of the grave is encouraged by the *Shara'* [17].

Any fatwa and legal ruling can be influenced by the changed conditions that are not the same between one another. For example the two verses in Surah al-Anfal-verse 66 and 67. According to Yusuf al-Qaradhawi, these verses describe the influence of changes in conditions related to different military strength. The first verse tied with capacity and strength while the second verse is tied with the inability and weakness [18].

Prophet p.b.u.h and his companions who became the reference for any issues and questions related to Islamic legal rulings and fatwas often gave different answers according to the conditions and circumstances of the questioner. This is recorded by Ibn Hajar: "...the different

answers is meant for difference of backgrounds and conditions of the questioner" [19].

In the case of horse's *zakah*, economic realities have led to two periods of time that cause 'Umar Al-Khattab to impose due to the horse even though it has been given relief by Prophet p.b.u.h. In the Prophet's era, horse reared for military purposes has less economic value as a camel. However, after the case with one mare purchased equal to a price of one hundred camels [20] clearly shows that the current economic realities are different and have changed, now horses have more commercial value than the camel that *zakah* has been imposed on it before.

Cases above show the effects of spatial and contextual changes to fatwa. All aspects of changes and differences whether social, economic, political, cultural, or judicial need to be considered, hence influencing a fatwa.

Aspects of Differences Between Malaysia and Singapore:

Malaysia and Singapore are two countries with long history since the ancient time [21]. Both countries are in an area called the Malay Archipelago which saw the existence of powerful kingdoms such as Kedah, Langkasuka, Srivijaya, Majapahit and Malacca [22].

Malaysia and Singapore are two neighboring countries. In the aspect of geography, the two countries are in the southeast Asia [23] and experiencing the same climate and have similar land contour [24]. Both countries had been in the "Federation of Malaysia" which involves a combination of Malaya, Singapore, Sabah and Sarawak, around September 1963 [25]. However, on August 9, 1965 Singapore announced pulling out from the Federation and officially became an independent country [26]. Both also have a similar form of society as regards to plural multi-ethnic society, comprising the Malay, Chinese, Indian communities and others in different percentage. Briefly, Malaysia and Singapore have many similarities and have a common history and close between one another.

Among the similarities, Malaysia and Singapore also have some differences that are significant and must be viewed seriously. Based on the concept of the influence of locality and reality changes, the differences that exist between Malaysia and Singapore should effect the fatwa. These aspects are; the standard of living, patterns of society, political domination and position of Islam in the constitution.

The first aspect is related to the standard of living and economy. Malaysia is a country that was placed together with developing countries in the category of a newly industrialized country [27], having a very good

economic status with upper middle income. While Singapore is a developed country that have a high economic status with high income, equivalent to the western countries like the United States, United Kingdom, Denmark and France [28].

The second aspect is related to the patterns of society. In Malaysia the ethnic composition shows 63.1% is Malay representing the mostly Muslim community, 24.6% Chinese, 7.3% Indian and 5% other race [29], while in Singapore are generally represented by the 74.1% Chinese, 13.4% Malay representing the mostly Muslim community, 9.2% Indian and others 3.3% [30]. Based on statistic, Islam is a religion of Malaysia's largest adherent at 61.3% [31], while Islam is the second largest religion in Singapore representing 14.7% of the total population after Buddhism [32].

The third aspect is related to the political domination. The Malaysian Government headed by a Muslim as a prime minister [33] and leaders of the government are largely among Muslims [34], as opposed to Singapore's leaders dominated by non-Muslims even though they have a minister among the Malay Muslims who hold direct port folio relating to affairs of Muslims in Singapore [35].

The last aspect involved Islam in the constitution as a state religion. Islam is the state religion in Malaysia. Part 1 in the constitution, Article 3 states that "Islam is the religion of the Federation" [36]. Unlike Singapore, there are no mention of any religion in the constitution [37], Buddhism is not the state religion even though it has large number of followers as Thailand and Cambodia [38].

Spatial and Conditional Factors in the Differences of Fatwas between Malaysia and Singapore:

There are many factors contributing to the differences of fatwas between Malaysia and Singapore. As far as the conditional factors related to two different places studied here, this paper would comparatively analyse the economical, socio-religious, political and judicial aspects pertinent to both countries. This however, is not an attempt to restrict the factors involved. Nevertheless, it could be rightly stated that these factors are the main contributors towards the differences of fatwas.

First Factor: The Economy of the Countries: Economic achievements are different between Malaysia and Singapore. Malaysia is classified under the countries that have emerging and developing economies [39] while Singapore has already achieved the status of a developed country and is amongst the advanced economies group

[40]. The main criteria for this categorization related to the economics aspects, that is income per capita and Gross Domestic Product (GDP). These formulations thus become indicators to the living standard [41]. Malaysia has been placed by the World Bank in the “Upper Middle Income” country [42] while Singapore has been classified as the “High Income” nation [43]. According to the International Monetary Fund (IMF), Malaysia’s GDP in 2012 is USD 9, 575 [44] lagging far behind Singapore with a GDP at USD 49,325 [45].

In general, the data shows different economic status of these two countries which would logically affect other aspects of lives in the respected countries. This then would become a factor in approaching and practicing the decision making processes during any ruling in a fatwa [46].

Economic status of and standard of living in Malaysia and Singapore certainly are different as have been proven scientifically through various researches and observations. According to Muhammad Firdaus, economic level and standard of living, whether of a person, family, cluster of society or even a country would affect the formulation and setting of fatwa. This can be seen in the decision of Muzakarah Jawatankuasa Fatwa Kebangsaan (MJFK) to allow a specific bank interest around the seventies, then prohibit it again in the eighties based on the Malaysian Muslim economic status [47].

Raihanah Halid studied fatwas issued by Majlis Ugama Islam Singapura (MUIS) and opined that fatwa regarding the “joint tenancy” in house purchase as was outlined by Housing & Development Board (HDB) is an evidence of the difference in fatwa decreed according to local economic situation exercised according to local economic situation [48]. For her, Singapore's desire to excel in economic domination as a central and hub to “open trading”, “international investment” and “global finances” have resulted in a need to review several Singaporean monetary policies, which would eventually involve Muslim hence a necessity for fatwa on it [49].

Referring to classical cases that had been written especially problems related to *mu’amalat* [50], varying economic conditions and standard of living of societies are the key features in issuing a fatwa. The mentioned horse’s *zakah* case, *zakah fitrah* payment, price controls and rate of poll tax (*jizyah*) payment could be the preceding examples [51-53]. In the context of economic differences, perhaps the closes preceding example is the case of different sheep’s *zakah* between Baghdad and Hijaz. Baghdad could be considered as a developed area while Hijaz was still a developing area at that time.

With more vibrant and divergent economic activities involving sectors from governments and traders from Arabic and non-Arabic people, the Baghdadis’ life pattern needs more practical legal ruling [54].

Differences among countries are the subject needed to be considered in fixing any fatwa especially which involves economy and standard of living differences of local Islamic community [55]. Mehmet Erdogan sees that production rate and agricultural production, industrial even business in a different state between another are among elements which affects fatwa changes and differences [56].

Emphasis which was made are very closely related to GDP and household income which became the economic indicator on categorization of developed nation and developing country in measuring the standard of living between countries [57]. Based on the information and data above, it shows that the differences between Malaysia and Singapore with regard to standard of living and economic level are factors which affect and influence fatwa formulation. These factors need to be considered by fatwa rightful bodies in Malaysia and Singapore [58] as to form practical fatwa for local community reality regarding to local time and place.

Second Factor: The Religious Composition of the Society: Malaysia and Singapore have plural society pattern or diversity which comprises of various ethnic groups such as Malay, Chinese, Indian, Aboriginal and Caucasian. All these ethnic groups are in different percentage between Malaysia and Singapore. In Malaysia, the statistic shows that Malays are 63.1% out of more than 28 million of the populations which represents the largest percentage of Muslim community, 24.6% Chinese, 7.3% Indian and 5% other races [29]. While in Singapore on the other hand generally 74.1% represents by Chinese, 13.4% Malay which also represent the majority of the Muslim community and 9.2% of Indian and other ethnics with 3.3% [32].

The definition of Malay as taken from the Federal Law of Malaysia Federation and Malay Land Reservation Act 1913 of British Malaya (Peninsular Land and Singapore) which refers to Muslim indicating that Muslim community is the majority [59-60]. According to statistics which has been provided by the Department of Statistics of Malaysia, Islam is the largest religion professed in Malaysia with 61.3% [29] meanwhile Muslim society in Singapore is placed in the minority group. According to the Department of Statistics of Singapore, Islam is the second largest represented by 14.7% of the total population after Buddhism [32].

Looking at the facts above, there are some important things which need to be explained to show the real society pattern in Singapore and Malaysia. First is about the plurality feature existed in the races and religions in Singapore and Malaysia, while second matter is about the majority and the minority issue of Muslim in both countries.

From one point of view, plurality feature in races and religions in Malaysia and Singapore is one specific reality that is different from other nations especially in the Middle East countries. As a global and universal religion, Islam surely provides rules and laws which contain various approaches with alternatives of rulings to be adapted with the reality of the society [61]. Certainly the fatwas issued to the Arabs with the background of embracing the celestial religion- Islam, Christian and Judaism- are different with the fatwas issued for diverse community with different races- Malay, Chinese, Indian, Aboriginal, Europe- that had followed not only the celestial religions but also the human created religions such as Buddhism, Hinduism, Animisme and Dinamisme.

This matter although is not directly related with the difference between Malaysia and Singapore, but at least it had given a picture that social structure and demography of population differences which involve ethnicity and faiths too need to be considered in making fatwa. According to Mahmood Zuhdi, this is the element which become a jumping-off point to the need of local fiqh form- *Fiqh Malaysia*- which served according to the context of locality and real time [61-62]. If this is the fact, not only "*Fiqh Malaysia*" can be set up but in fact every country could have its distinctive Islamic jurisprudence [62-63].

Much more in-depth study based on the differences between Malaysia and Singapore in the society pattern aspect is the issue of majority and minority Muslim between both countries. Fatwa is an Islamic jurisprudence issue which involves Muslim community no matter where they are and in what numbers they are. As such, majority and minority issue related to the muslim community is a factor which influences fatwa formulation according to reality and locality respectively. As was stated that the muslim community in Malaysia is 61.3% while in Singapore on the other hand is minority represented by 14.7% of the population more than 4.84 million.

Yusuf al-Qaradhawi has set social structure difference as one of the issues which influenced fatwa change nowadays. The matter also discussed by Profesor M. B. Hooker when he observed the social reality effect of

Indonesian community on fatwas issued. He clarified that "The fatwa form, including the Indonesian, show us a truly remarkable creative engagement between the texts and contemporary social reality" [64].

Muslim communities are now scattered worldwide whether in those countries with Islamic community as the majority or in the heart of non Muslim majority community. Islamic majority feature could lead to a much more Islamic form of society. This means that the lifestyle of the place has been influenced by the environment created by the society alone Muslim are a majority. Norms, values, morals and others are formed based on the resolve of the Muslim community which is already integrated with Islamic teachings. Islamic teachings can easily be practiced in form of "*Azimah*" without having to take the less strict hardship method or *rukhsah*. This matter of course is different in the situation where Islamic community is a minority. Those circumstances do not give ease of implimentation to the Islamic community to profess Islamic injunctions normaly. al-Qaradhawi stated that their life is full of trabulations which does not give them the latitude to perform compulsory (*wajib*) matters, avoid illegal matters, even in some ways allow laxity in forbidden matters in Islam or hide the goodness and opportunities within Islam [53]. Based on this premise emerge a knowledge of fiqh which discussed Islamic jurisprudence dealing with problems faced by Muslim minority community or known as "*Fiqh Aqalliyyat*" [65]. Many problems which arise involved the faith issues, *ibadah*, *munakahat* and problems having to do with food. All these problems adds up to make it all the more necessary in assessing these differences in making fatwa.

Islamic history has proved this influential factor in every approach and actions whether involving individuals, society, institution or country. As an example, Rasulullah's p.b.u.h approach in presenting Islam to Arabic society. The approach of practice when the followers of Islam were minorities in Mecca and in Habsyah/Ethiopia is different from the approach which was done by Rasul p.b.u.h during Medina when the Muslims were the majority of the population. For example the *da'wah* approach when in Mecca was clandestine, while in Medina it was an open attitude, in fact, any pressure and obstacle will be responded with military force [66]. During the time in Ethiopia on the other hand, many actions, behaviours and approaches of Muslim community which migrated to avoid from *Quraysh*'s persecution were different and changed because their condition as a minority group there [67].

In the aspect of setting the Islamic legal rulings during the life of Prophet Muhammad's p.b.u.h, the Mecca and Medina period in relation with majority and minority aspect also is very obvious be seen. Islamic legal rulings when in Mecca was suitable to the nature of Muslim minority society compared to Islamic legal rulings when in Medina as they were compatible to the nature of the majority. For example no *jihad* order, no legal rulings involving *hudud* and punishment, only religious worship legal rulings such as prayers and fasting [68].

Obviously the factor of society pattern involving majority and minority Muslim issue can influence the formulation of fatwa. Muhammad Firdaus Nurul Huda when analyzing on the fatwa of the ban of marrying religious Christian woman to the fatwa by *Muzakarah Jawatankuasa Fatwa Kebangsaan (MJFK)* have adduced data related to Muslim majority and minority as one of the factors which influenced fatwa difference in Malaysia with other Muslim countries. For him, the reason "to keep the Malaysia Muslims' personality" is due to the nature of Muslim minority community in West Malaysia namely Sabah and Sarawak. According to census, Christian community in Sarawak is around 28.5% compared to Muslim community 26.3% [47].

Based on information and data above it clearly shows that the difference between Malaysia and Singapore with regard to society pattern involving majority and minority feature of Muslim community is a factor which affects and influence the formulation of fatwa.

Surely fatwas promulgated by rightful bodies in Malaysia takes into account this majority feature of Muslims and also fatwas promulgated by an authoritative body in Singapore will face the fact that muslims community is a minority in Singapore [69].

Third Factor: The Position of Muslims in Politics:

Another difference between Malaysia and Singapore is also a fact in the aspect of political power dominating in both countries. Malaysia is lead by a Muslim government and most leaders are generally Muslims, different to Singapore which is dominated by non muslim leaders although there is one Malay Muslim minister holding Muslims' affairs port folio in Singapore.

Malaysia and Singapore were two former British colonies using the parliamentary system of government [70-71]. This system gived executive authority to party which won past general election and form cabinet line-up to rule the country. Malaysian cabinet constitutes 29 ministers and 40 deputy ministers, 19 ministers are

Muslim and 10 others are non Muslim. Out of 40 deputy ministers, as many as 20 representative are amongst Muslim and others constitute the non muslim [72]. Singapore on the other hand, its cabinet is having as many as 21 ministers, only one person among those ministers is Muslim [73]. Overall, Malaysian cabinet line-up which has Muslim ministers as the majority while Singapore on the other hand with minister line-up in cabinet the majority is non Muslim.

The above facts have obviously showed that political power in Malaysia is dominated by Islamic leaders while in Singapore is the other way round. This difference surely gives effect and influence in Islamic legal rulings formulation in these two countries. When government is amongst Muslims and they control political power, they have the power of the majority in making laws and policies, of course Islam based laws and policies can be amended. This is in contrast to Muslim leader which had no majority in political power and strength in approving the law and policies, surely any motion towards Islamic elements in law and policies would find the road difficult.

Munir D. Ahmed when commenting the position of the Muslim community in German had expressed Muslim community's difficulty over there to build mosque in order to make a Muslim community activities centre. This problem happened due to the German authorities not allowing any mosque construction to be made especially in big towns, the same enforcement also occurs in many cities around European Union. Although Islam is the second largest religion over there, but they do not dominate political power caused many policy approved by the authority oppressive and are working against the Muslim community. Issues such as *hijab* observance, religious education class and mosque issues are among problems which arise and the solutions are working against the Muslim community in Germany [74].

The case of King Najashi who had submitted to the teaching of Prophet Muhammad p.b.u.h also is among classical evidence which showed political power domination influence on Islamic legal ruling implementation. According to naration by Ibn Kathir in *al-Bidayah wa al-Nihayah*, only Najashi alone submitted to Islam among his officials or people. Which makes it not possible for Najashi single handed to create an Islamic atmosphere with his law although he is a king whereas he himself was forced to conceal his faith and almost got away with his secret from his subjects who later knew the truth and start as a rebellion [75-76]. It is obvious here that the minority feature attached to the minority of

politically not dominant too affects the action and behavior of the muslim community which is guided base on the *Shari'ah*.

Islamic legal rulings which involve “*siyasa*” and “*dawlah*” are also affected and influenced by this differences. Questions related to the concept of *shura*, justice, authority and responsibility and laws in peace and war situation of course is different and subject to change. Likewise as with matters which involved approach and implementation method for Islamic leaders who were in those countries which were dominated by the non Muslim. Many approaches of concession or “*rukhsah*” and take much lighter loss is used as solutions. For al-Qaradhawi, Muslim minority in non-Muslim community surely is weaker compared to other wise [65]. The matter will get worse with political power absence, when Islam is not protected by *dawlah* and *khilafah*.

Political power factor which is dominated by non Muslim leaders and a country whose political power is dominated by Muslim leaders need to be considered in the process of fatwa formulation. This case had already been propositioned by a few Muslim scholars in Islamic minority counties like Singapore and Thailand. Consideration should be in any setting of fatwa in those countries are political power is not dominant in contrasts with Malaysia, Brunei and Indonesia which are dominated by Islamic leaders. Values and local realities should be scrutinized before adopting Islamic law decision based on classical fiqh which are dominated by Arab scholars under Islamic rule.

Fourth Factor: The Position of Islam in the Law of the Land: Another difference between Malaysia and Singapore could be seen from the legislation aspect relating to religion. Malaysia is a country which has placed Islam as the official religion in its constitution. The Constituion of Malaysia in part 1, article 3 has stated “Islam is the religion of the Federation” [77].

As opposed to Singapore there is no official religion stated in its constitution, not only Islam but no mention was made about Buddhism as the official religion as in Thailand and Cambodia eventhough they have the biggest followers [78-80].

The difference between a country which has placed Islam as the official religion and stated in its constitution to a country which did not, could be the indicator of a classical allocation which has been proposed by the earlier fuqaha in relation to *ikhtilaf al-darayn* between

dar al-Islam and *dar al-kufr*. Indicator used by *fuqaha* in the past was the implementation of Islamic laws and domination of political power [81-82]. This is seen through the existence of *khilafah* which carried out Islamic law and dominated the politics. Nevertheless, the absence of the *khilafah* had caused Islam to be no longer practised in full except in certain aspects such as marital affair, religious worship and judicature.

Indicator allocation of *al-darayn* cannot be used anymore in its original form. To attribute *dar al-Islam* to countries which provides a few provision of Islamic law is inaccurate because there are many secular states providing allocation to Islamic law such as in Singapore. The most suitable indicator to tell between *dar al-Islam* and *dar al-kufr* is the provision of Islam as the country's official religion and enshrined in the constitution apart from having majority number of Muslims and political domination.

There are many fatwas which exemplify the consideration for *ikhtilaf al-darayn*. The example are the Islamic legal rulings which involves issue of *zakah*, *mu'amalat*, *munakahat* and others such as marriage *kitabiyat* woman, will related problem, *waqaf*, inheritance and witnesses in judicial affairs [83]. This division clearly shows the effect and influence played by country differences in formulating fatwa.

In fact, the differences in system and governing policy of a country which involves ruling such as in act, enactment and ordinance are the variable to Islamic legal ruling changes, fatwas and also Islamic approaches. Sulayman al-Asyqar said:

“The common nature and the enforcement of law will invoke the application of each obligation from the whole entity under its jurisdiction, resulting in the formation of new environment in a given country” [83].

The above statement showed that the placement of any religion as official religion written in law will affect every policy, planning and actions of one country, further it will form distinctive radius required to form suitable approach and action regarding that reality. This means that those countries which have placed Islam as the official religion and written in law, policies shaped of course will be influenced by that allocation. The same happened on each religion set down by one country as the official religion and written in law, whether Christian, Buddhism or other religions.

When Islam is placed as the official religion written in the law of a country, this will give advantage and greater chance in implementing Islamic laws and mould Islamic values compared to those countries which only recognise Islam as an adherence and religion [84]. Application of Islamic values which surely would involve Islamic laws can occur at all levels, compared to those countries which only recognise Islam as a religion like what touted by secular states in the meaning of freedom of religion or it is just provisions of the law to profess Islam for Muslim community only such as in Singapore because of historical factor. Application of Islamic values can occur in Muslim community only whereas Islam is capable of solving all problems and guiding the world towards a better life and providing salvation to all mankind [85].

Finally, obviously it shows that the placement of Islam as enshrined in the constitution of a country or not is a factor which affects any fatwa formulation. A perusal of the influence and consideration of this matter is absolutely necessary because Singapore is a secular state which had no official religion, meanwhile Malaysia on the other hand is included in the countries of "*al-bilad al-Islamiyyah*" which placed Islam as a official religion [86].

CONCLUSION

Changes and differences in issuing fatwa occurred due to the existence of various form of influences. Based on the theory of Ibn Qayyim, influences of change consists of certain factors which are time, places (locality), circumstances (reality), intention (motivation) and customs (culture). This theory states that the transformation of Islamic legal rulings does not stand by itself but related by those factors. According to the results, the changes and differences in issuing fatwa from Malaysia and Singapore context are related to the religious composition of the society, the economic of both countries and the political aspect in the position of Muslims in politics and legislative and the position of Islam in their constitutions.

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