



Research Article

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A Research Design Based on The Framework of Tafseer Al-Fiqhiy (Quranic Juristic Commentary)

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Abstract

Research design is essential in constructing any conducted research. It is a plan, strategy and investigation structure in a particular element defined in accordance with research objectives. However, the current research design is based on the Conventional Research Method (CRM) which fails to address Islamic based researches. CRM and Islamic Research Method (IRM) are different in many features. As the first is claimed as being constructed based on a universal perspective, IRM is structured on the pertinent fundamentals of Islamic overview. Somehow, before its good rapport, CRM is considerably counted in Islamic and Muslim intelligentsia. It brings to the question of how far the CRM is relevant to study the above-mentioned items as its perspective and epistemology are different from IRM. Hence, this study was conducted to construct one of the IRM research components that will be able to contribute to the framework of tafseer al-fiqhiy. Tafseer al-fiqhiy is a set of a guideline of commentary or interpretation employed by mufassirin (authors of tafseer) in discussing fiqh's problems, relevant jurisprudence (laws) which are in line with the interpreted Quranic verses. It laments some strategies, specific steps and indicators focusing on the pattern of tafseer al-fiqhiy are in lieu of applying it into researches of Islamic fiqh. In achieving this aim, the qualitative approach was conducted focusing on exploratory design to study the pattern of tafseer al-fiqhiy. Apart, the study took into consideration the purpose of examining the relevant works of literature. The discussions in this research are divided into two folds: firstly, identifying the tafseer al-fiqhiy and secondly, analyzing the elements of tafseer al-fiqhiy to be applied into IRM. The findings suggest some notions regarding the suitability and relevance of tafseer al-fiqhiy can be utilised in the concerned. It also ties up with the Islamic juristic issues. Under the status quo, tafseer al-fiqhiy posits its appropriateness in the research of fiqh prior to its accuracy and reliability. It is also parallel to the Islamic standard as the tafseer al-fiqhiy is retrieved from the vital branch of Islamic sciences viz. tafseer al-Quran. Thus, it can be a frame of reference amongst the scholars who have the interest to venture into the study of Islamic discourses.

Keywords: Research design, tafseer al-fiqhiy, interpretation, Islamic Research Methodology, Quranic Juristic Commentary

1. Introduction

Research design is defined by the objectives of the research. None of the research designs can be applied to multiple research, however, research can be conducted by utilizing different research designs (Chua, 2006). Research design is a plan, strategy and investigation structure in a certain element. Hence, it has functioned as a tool for obtaining the answers to research questions and problems. A systematic plan has to be complete and thorough – including outlining each of the research processes (from the beginning until the end), research hypothesis and operational implication for the sake of final evaluation and analysis of researcher (Kerlinger, 1986).

A research design is proposed by the researcher, cum developed through the fulfilment of all aspects in the chosen procedure of research design. The preferred smart design is able to present accurate and authentic findings. A precise design encompasses its parallel point with the problem statements, research objectives, research questions and research hypothesis that has been determined in the writings of certain research (Ahman Munawar Ismail & Mohd Nor Shahizan Ali, 2014).

Thus, from the above explanation, there are two primary functions of research designs; first, to obtain an operational plan in executing a few required steps for completing the research. Second, to ensure the chosen research design is as sufficient and adequate as possible for seeking the authentic findings, answering the objective of the study and pointing sharply on research questions (Ranjit Kumar, 2005).

Punch (2001) opines that in choosing a research design, it is a must for placing the researcher into the empirical world that connecting between research questions and research data. Besides, he furthers his allegations by presenting four primary elements that have to be considered in the process of choosing a suitable research design for any research (Punch, 2001). First, a strategy that involves the aim or approach in conducting the research, hence, the questions are answered. Second, a conceptual framework that is indicating the correlation between a single variable to another variable. Third, a discussion on ‘who’ and ‘what’ will be researched. Forth, tools and procedures are going to be utilized in the process of collecting and analyzing the empirical materials.

Based on the above-stated four steps proposed by Punch (2001), it proves that each of the researchers has to examine the researched subject. This is for identifying the relationship between the studied subject with the researcher. Consequently, the researcher has to choose specific and accurate tools for the sake of research’s procedures.

Coincide with this matter, Islamic research – specifically in the field of *fiqh* is supposedly utilizing *fiqh*’s research design that already presented in the pattern of interpreting al-Quran, namely *tafseer al-fiqhiy*. The detailed steps have been shown by the *mufasssirin* (authors of *tafseer*) in their commentaries. Henceforth, the researchers on Islam have to elect that particular research design in conducting the studies on *fiqh*.

The questions are, what is meant by *tafseer al-fiqhiy*? How is the process of applying *tafseer al-fiqhiy* as the design in the research of *fiqh*? Why the constructed *fiqh* research design is necessary for Islamic research? In answering the above questions, this article has twofold objectives. First, identify the *tafseer al-fiqhiy* and the elements attached to it; and second, analyzing those elements to construct *fiqh* design in the research related to Islamic studies. Based on these two objectives, the discussions throughout this article are divided into three sections. First, the necessity towards the Islamic research method; second, identify the elements within the *tafseer al-fiqhiy*; and third, analyzing the application of *fiqh* design in research.

2. Methodology

Data for this study is based on *tafseer al-fiqhiy* as an Islamic Research Methodology, using content analysis technique and a descriptive approach. Content analysis refers to any method for making inferences by objectively and systematically identifying specified characteristics of messages (Stemler,

2001). In achieving this aim, the qualitative approach of research was conducted by utilizing exploratory design towards studying the pattern of *tafseer al-fiqhiy*, and later, adopting a method of content analysis to examine the relevant literature.

3. Results and Discussion

3.1 The necessity of Islamic Research Method

Before prolonging the detailed discussions on the pattern of *tafseer al-fiqhiy* and its construction of research design, this article is formally reviewing the thoughts related to the requirement of Islamic research method by Syed Muhammad Naquib al-Attas (1980), Louay Safi (1998) and Muhammad Syukri Salleh (2008).

Syed Muhammad Naquib al-Attas (1980) in his writing of *The Concept of Education in Islam: A Framework for an Islamic Philosophy of Education* touches on the relationship between education and the Absolute Truth possessed by Allah SWT through Islamic principles, such as *wahy* (revelation), *hikmah* (wisdom) and *adab* (courtesy). According to Syed Muhammad Naquib al-Attas (1980), the process of acquiring knowledge has to be through the basis of Islamic sciences too. Emphasis on this discussed matter has been actualized by previous intellectuals and scholars. For instance, al-Ghazaliy and Fakh al-Din al-Raziyy have successfully integrated certain aspects from the perspective of the Western into Islamic standpoint. Amongst the highlighted one is the ability of Muslim scholars in expanding the new Islamic sciences that are inspired and derived from al-Quran such as *tafseer* al-Quran and *fiqh* as how did by Imam Malik, Imam Abu Hanifah and Imam al-Syafi'iy. This situation is following the hadith narrated by Ibn Mas'ud, stated as follows (al-Tabaraniy, n.d):

Al-Quran is a revelation bestowed from Allah SWT, and every aspect has to be on the basis and principles of al-Quran.

According to Muhammad Mumtaz Ali (1994). there are four principles of al-Quran; first, knowing and appreciating Allah SWT as the Creator of men and the universe; second, realizing the status of men as the servants of Allah SWT in this earth; third, accepting al-Quran and hadith as the primary sources of knowledge, wisdom and guidance to all mankind; fourth, applying the principles of basic *syariah* for the sake of human civilization development.

In the words of Louay Safi (1998), the principle of Western research is never accepting the two revelation sources of al-Quran and hadith although truth enclosed to Islam and whatever comes into the Islamic *syariah* is justified by revelations from Allah without any doubt. From the Western perspective, the sources of knowledge have to be proved scientifically – based on ability to being observed empirically by mere senses and comprehended by intellect. Hence, these characteristics catalyzing the Western researchers adopting research methodology known as scientific or common. Western scholars claim their researches are generating theories, hypotheses and scientific approaches is regarded as the only truth (Osman Bakar, 2009).

In this situation, the independent usage of intellect that is considered scientific surely does not guarantee the accuracy in conducting research, primarily if that particular researches are related to Muslims. Moreover, it has significantly different, especially on the Islamic perspective of philosophies and epistemologies (Muhammad Syukri Salleh, 2008).

The knowledge that is based on the scientific epistemologies is not able to be a guide to humankind, instead pathing men towards confusion, chaos and trapped into bounded realms of haphazard motives of life (Mustapha Mohd Jar, 1986). This situation is a risky path to be followed. Nonetheless, any particular research which intends to understand the social reality has to be on the foundation of epistemologies that are able to give out the real truth without any deficiency.

According to Muhammad Syukri Salleh (2008) in his *Islamic Research Methodology*, the

meaning of lacking in scientific research method is more on the discussion of differences between epistemologies and the philosophies of scientific researches, compared to an Islamic one. The former research method is casting out the role of religion and theology from the observation of social reality. Thus, the requirement of replacing the scientific research method is in dire demand to produce accurate and truthful findings.

The Western thoughts are different from the way of Islamic contemplations. Al-Qardhawi (1999) has put five characteristics that are shaping the theory of Western thoughts. First, confusion of knowing Allah SWT. Second, the stream of materialism that only believe in secularism (separating religion and life). Fourth, conflicts between men and natures with God. Fifth, the feeling of superiority over the other races.

In more detailed research, Muhammad Syukri Salleh (2008) asserts there are at least three factors that lead to that incompatibility happened. First, it is due to the foundation of Western perspectives and evaluation standards. Consequently, findings and summaries of the research are not accurate to the extent of its standard; second, it is due to the Western analysis that is only limited to examining the exoteric dimension, however, the reality of this life is comprising both sides of physical and spiritual realms. The findings are only justified from the empirical observation or rationally perceptions; and third, the Western method is able to jeopardize the *akidah* (faith) of Muslims. Amongst the elements that can threaten the *akidah* is the philosophy of Positivism proposed by Auguste Comte. This philosophy suggests the variation of interrogations, scientific observations and empirical facts as the only proving method, whether consciously or not; has to deny the existence of unseen dimension within the human's living.

Hence, it is a vital urge for Islamic research to resurrect the tradition of research methods based on the Islamic discipline of knowledge. Into this problem, Muna Abu al-Fadl (1990) asserts firmly that in giving contribution for the development of any authentic Islamic social research method, the Muslim scholars have to put their serious exploration towards the discipline of knowledge that is grounded on the revelations viz. al-Quran and hadith. The matter also fingered by Yusuf Dalhat (2015), Islamic Studies comprises six significant themes, which are Quran Studies, Hadith Studies, *Usul al-Din* (principles of faith), *Fiqh* (Jurisprudence) *Sirah* (biography) and civilization. For the benefit of researchers, the field can be categorized into many branches of scholarship. Then, based on the diversity of disciplines mentioned above, it will put Islamic Studies as a domain. To realize this, specialists in the Islamic Studies domain should join hand in hand in laying the basic principles and methodology of research in the field, the evaluation of any research material in the field should be measured based on its ability to be consistent with the spirit and objectives of Islamic Studies field.

From the discussions of the above three stated Muslim scholars, it is identified that constructing an Islamic research method is a necessity for connecting the revelation from Allah SWT into the aspect of research. There is no conflict between the real science with the teachings of al-Quran, instead, both are originated from the single, same source, that is from Allah SWT (Ramli Awang, Zulkiflee Haron & Mohd Nasir Ripin, 2012). Thus, focusing on the pattern of *tafseer al-fiqhiy* is regarded as vital in the efforts of applying it into research on Islamic *fiqh*.

3.2 *Tafseer Al-Fiqhiy*

The Qur'an is the repository of divine will and authority. As the will and authority of God are verbally expressed in the Qur'an, for Muslims then, the Qur'an logically becomes the ultimate source of authority and the original basis of all authority. To Muslims, the Qur'an is the ultimate source of all truths. It is thereby understood as a revelation that guides all times and situations to come (Roslan Abdul Rahim, 2011). To understand the contents of al-Quran, every Muslim have to see to interpretation issued by experts in the field interpret. It is inadequate by just looking to *zahir lafaz* (literal meaning) solely. Among explanations, there is an exegesis that discussed the law in Muslim life, namely, interpret al-fiqhiy (*Tafseer al-Fiqhiy*).

Tafseer al-fiqhiy is an interpretation in the shape of *fiqh* (Islamic jurisprudence) towards certain verses of al-Quran. During the days of Prophet Muhammad PBUH, this pattern of interpretation was already there indirectly as the Sahabah (companions) able to grasp the verses that contain the laws of *fiqh* owing to al-Quran was bestowed down in their mother tongue language. It is a speciality that's given to the Sahabah of Prophet Muhammad PBUH. Besides, if there were any complicated or confusing problems aroused, the Sahabah will straightforwardly refer to Prophet PBUH. Hence, the Prophet PBUH will explain and discuss the related matter until the Sahabah is able to comprehend it clearly (Muhammad Abu Zahrah, 1996).

Then, after the death of Prophet Muhammad PBUH, the Sahabah exercised *ijtihad* (independent reasoning) in defining the rule for each *syariah* problem that have not existed during the days of Rasulullah PBUH. In the first stage of looking for accurate answers, the Sahabah used al-Quran by seeking and researching the answers for each aroused problem. If the answer was found out, hence the solution was applied immediately. However, if no answer could be retrieved, thus they will return to the Sunnah (constant practice) of Rasulullah PBUH for seeking the answers. Nonetheless, if no answers could be executed from both ways, the Sahabah will start to do *ijtihad* from their own opinion or independent interpretation by referring to the general principles of al-Quran and Sunnah (al-Dhahabiy, 2000).

For instance, there is a conflict on the sentence of *al-quru'* in the holy book of al-Quran, chapter *al-Baqarah*, verse 228. This disagreement is about the situation of the last days of *iddah* (period of waiting) of the widow after being divorced by her ex-husband. According to the statements of 'Abd Allah Ibn Mas'ud and 'Umar al-Khattab, a woman is still on the period of *iddah* until that particular woman perform her *ghusl* (ritual bath) at the finishing day of the third menstruation period from the day of being divorced. Meanwhile, Zayd bin Thabit opined that the woman is finishing her *iddah* period whenever she is on the first day of her third menstruation period after being called a widow. These argumentations are started due to the term '*al-quru'* - either indicates the meaning of menstruation blood or being pure from it (al-'Abid, 2010).

Another example of clashing opinions is between 'Umar bin al-Khattab and Ali bin Abi Talib in the problem of the period of *iddah* for a pregnant woman that is facing the death of her husband. According to the view of 'Umar bin Khattab, the *iddah* period for a pregnant woman is along the pregnancy days and ended whenever she delivers her baby. Meanwhile, according to 'Ali bin Abi Talib, *iddah* for that particular woman is the longest period; either until the baby is delivered or four months ten days, as stated in chapter *al-Baqarah*. The basis of these argumentations is also due to understanding of general verses of al-Quran that stating the *iddah* of pregnancy and the demise of the husband (al-Dhahabiy, 2000). The field of *tafseer al-fiqhiy* keep expanding during the days of Sahabah and followed by the *Tabi'in* in generating rule for the new issues from the book of Allah, namely al-Quran, Sunnah of Prophet Muhammad PBUH and referring to the authentic opinions. The *fuqaha'* (Islamic jurists) on the following epochs also following the paths of Sahabah. Some of them who were considered as *kibar al-fuqaha'* (prominent Islamic jurists) studied in depth the science of *fiqh* later contributed their writings in certain books separately with *tafseer al-Quran* (al-'Abid, 2010).

As what occurred in the day of Sahabah and *Tabi'in*, the imams of four *mazahib* (schools of thought) also imposing argumentations in the problems of *fiqh*. Each of them has different judgements, methods and accurate proposals as to how outlined by al-Quran and Sunnah in generating rules. Despite such ways, there are still *ikhtilaf* (disagreement). However, the occurred *ikhtilaf* does not create any bloody quarrels amongst the four imams as all of them only seeking truth in the problems of *fiqh*. They tolerate each other and pay their respect over the issued opinions.

At that particular time, some groups possess an extreme inclination towards certain *mazahib* and groups of *taqlid* (imitate) without any *dalil* (postulated verses). These groups have significantly affected the discipline of *tafseer's* sciences, thus the *tafseer al-fiqhiy* becoming a popular subject afterwards. Some of the *mufassir* which belong to that group interpreted the verses of al-Quran within the limitation of their *mazahib* only. Meanwhile, amongst the protected *mufassir* (free from any extreme inclination), interpreting al-Quran following their intellectual scholarship in reviewing

any particular laws in a just evaluation (al-Dhahabiy, 2000).

Amongst the *mufassir* that interpreted al-Quran in the stream of Hanafiy's *mazhab* is Abu Bakar al-Razyi or known as al-Jassas (d. 370H), in his piece entitled *Ahkam al-Quran*. Meanwhile, amongst the *mufassir* in the group of Syafi'iy are Abu al-Hasan al-Tabariy that is known as al-Kiya al-Hirasy (d. 504H) with his writings *Ahkam al-Quran*; Muhammad al-Hallabiy (d. 756H) by his writings entitled *al-Qawl al-Wajiz fi Ahkam al-Kitab al-'Aziz*; Jalal al-Din al-Suyutiy (d. 911H) with his writing of *al-Iklil fi Istinbat al-Tanzil*. In the meantime, Mufassir of Malikiy are Abu Bakr al-'Arabiy (d. 543H) with his piece *Ahkam al-Quran* and Abu 'Abd Allah al-Qurtubiy (d. 671H) by his writing known as *al-Jami' li Ahkam al-Quran* (al-Dhahabiy, 2000; Fadl Hasan 'Abbas, 2006).

From this discussion, it is identified that *tafseer al-fiqhiy*, used by most of the *mufassir* is shaped from the foundation of a variety of *mazahib* and stream of thoughts. Such a way of *tafseer* possesses the unique, focused elements, cum able to deliver *fiqh* understanding to the readers of that particular *tafseer*.

3.3 Elements¹ of Tafseer Al-Fiqhiy's Pattern by Mufassir

To study the process of *tafseer al-fiqhiy*, it is recommended to identify its element in this section. The elements are the vital fundamentals for executing an interpretation in the pattern of *al-fiqhiy*. This article identifies at least four elements in shaping the pattern of *tafseer al-fiqhiy*. All these elements are discussed in detail in the following subtopics.

i. The focus of *Fiqh* Interpretation

The used interpretations of Qur'anic verses are related to the problems regarding the Islamic laws or Islamic *fiqh*. In the *tafseer of al-fiqhiy*, *mufassirin* explaining *fiqh* justification systematically about the verses of al-Quran that are pertaining to the issues of *fiqh* such as *ibadah* (worshipping acts), *muamalat* (transactions), marriages and crimes.

ii. Comparison of Opinions

Interpretations are also involving different opinions, proofs and reasoning from two *mazahib* or more. In giving the explanations on this pattern, *mufassirin* will present the compared ideas between different stances and argumentations. Hence, this way of interpretation is generally entangling lengthy descriptions and comparisons. It can also be regarded as *tafseer al-tahliliy's*² technique by certain *tafseer's* researchers.

iii. Interpretation of Exoteric Verses

¹ The word *element* brings the meaning of a part from a certain component (Pritchard, 2009). It is derived from Latin word of *elementum*, and its synonym to *component*, *constituent*, *part*, *unit*, *section*, *aspect*, *foundation*, *subdivision* (Collins Thesaurus of the English Language, 2002). According to Ibn Manzur (1992), the word '*unsur*' (translation of *element* into Arabic) is rooted on four alphabets, 'Ain, Nun, Sad and Ra'. From the angle of terminology, it is understood as *elements* or *part* of certain things, or *dawabit* which means characteristics (al-Mu'jam al-'Arabiy al-Asasiy, n.d.). Al-Jurjaniy (1985) states that *element* means *al-asl* (origin) or *source* that is comprising vital components of *al-ard* (earth), *al-ma'* (water), *al-nar* (fire) dan *al-hawa'* (air). Hence, it can be concluded that the term of *element* throughout this article is to explain part of various elements comprised in the method of *tafseer* viz. the approach of *tafseer*, pattern of *tafseer* and method of *tafseer*. It consists of sources, features, elements, and parts that contribute to the formation of method of *tafseer*. These elements are not involving the discussions from the perspective of philosophy.

² *Al-tahliliy* is a technique of writing up *tafseer* that explaining on the contents of verses of al-Quran from the whole aspects, in accordance to the arrangement of verses of al-Quran – *verse by verse*, *juz' by juz'* and *chapter by chapter*, starting from *Fatihah* until the last of *Surah al-Nas* (al-Khatib, 2010; al-Kiswaniy, 2011; al-Qudat, 2011; al-Khalidiy, 2012; al-Rumiyy, n.d.). On the other word, *technique of al-tahliliy* is a presentation system of interpreted verses of al-Quran that are extremely rich in a complete knowledge and encompasses various scopes of discussions. It can also be regarded as *encyclopaedia of al-Quran* and possesses accurate information on every aspect of sciences related to al-Quran (Ridwan Jamal Husain, 2000; al-Khalidiy, 2012).

This kind of interpretation only selecting the apparent meaning without concerning its esoteric part. This situation is a primary reason for most *mufasssir* choose the pattern of *al-fiqhiy* for its focus merely on the exoteric layer of the selected verses. Hence, each of the explanations will only solve the problems of the interpreted verses only.

iv. The Tendency of *Mufasssir* in the Problems of *Fiqh*

This interpretation will eventually lead to the discovery of the most reliable stance hold by the *mufasssir*. In each of the comparison opinions issued, they will present the justifications and proofs before evaluating those particular stances. The most substantial stand based on the elements as mentioned earlier will be chosen by *mufasssir*, cum indicating the tendency of them in every *fiqh* problem on certain *mazahib*.

All these four elements are observable in the example of interpretation done by al-Qurtubiy (2008) when both verses of 173 and 158, chapter *al-Baqarah* being interpreted as follows:

He has only forbidden you what dies of itself, and blood, and flesh of swine, and that over which any other (name) than (that of) Allah has been invoked; but whoever is driven to necessity, not desiring, nor exceeding the limit, no sin shall be upon him; surely Allah is Forgiving, Merciful (al-Baqarah, 2: 173).

Al-Qurtubiy³ (2008) asserts that from this particular verse, 34 problems can be discussed. Amongst the issues are the utilized carcass or part of that carcass. The *ulama* (Muslim scholars of almost all Islamic disciplines) are having clashing ideas on the permissibility to use both of them, even though both types of carcasses are excrement (impure). Even in the school of Maliki, there are two different stances; first, it is permissible to be utilized based on the hadith of Prophet Muhammad PBUH in allowing it. Second, it is *haram* (forbidden) to use or benefit from it even giving the mixture of water and excrement to the livestock animals or watering the plants, based on this verse. The latter opinion is strengthening by the sound (*sahih*) hadith from Prophet PBUH on its prohibition.

As well in the interpretation of al-Qurtubiy on chapter *al-Baqarah* verse 156 in explaining the heated discussions that occurred in the matter related to *hajj* (pilgrimage) and *umrah* (visit) as follows:

Surely the Safa and the Marwa are among the signs appointed by Allah; so whoever makes a pilgrimage to the House or pays a visit (to it), there is no blame on him if he goes round them both; and whoever does good spontaneously, then surely Allah is Grateful, Knowing (al-Baqarah, 2:158).

Al-Qurtubiy (2008) presents seven issues related to this verse. *Ulama* argue on the obligation to do *sa'iy* (shuttling) between two hills of al-Safa dan al-Marwat by few opinions. First judgement from Imam al-Syafi'iy and Imam Ahmad obligated the ritual of *sa'iy* as it is a tenet – this statement was also shared by Imam Malik. The obligation of performing *sa'iy* is seconded by the argumentation from hadith of Rasulullah PBUH that commands that ritual to be performed, and if anyone left this ritual behind, either being forgetful or intentionally skip it during *hajj* or *umrah*, he or she has to return to Mecca and repeat the *ibadah* of *sa'iy*. The second opinion from Imam Abu Hanifah and his companions, as well as Imam al-Thawriy and al-Sya'biy, contend that it is not an obligation in performing *sa'iy*. If any of them absenting themselves from participating in this ritual during *hajj*, while he or she has already returned to their hometown, they are merely obligated to pay *al-damm*

³ Al-Qurtubiy is one of the *mufasssir* that adopting pattern of *tafseer al-fiqhiy* in his writing of *Tafseer al-Qurtubiy* atau *al-Jami' Li Ahkam al-Quran*. This kitab is amongst the book of *tafseer* that is discussing on the laws of *fiqh* on the basis of understandable and moderate method. More than that, he does not put any inclination towards specific *mazahib* although he is a Maliki. This situation indicates the highness of his knowledge and attitude whenever he deals with verses of *al-Quran*. He proposes explanations, then choose the accurate and sound opinion from any *mazahib*, without hitched to any of them (Fadl Hasan 'Abbas, 2006).

(punishment) as it is only the *sunnat* (lower degree of obligation but there is no sin for not performing it) from all the entire *sunnat* of *hajj*. This second stance presenting *dalil* based on the clarity of this verse in giving options to who prefer to perform *sa'iy* and hence it is not an obligation. Whenever the *sunnat* is completed, it is regarded as far better and indicates the gratefulness of a servant to Allah SWT.

Last but not least, Al-Qurtubiy (2008) presents his stance on the former statement of Imam al-Syafi'iy, Imam Ahmad and Imam Malik as more accurate compared to others. He strengthening this statement by the *thabit* (strong) hadiths of Prophet PBUH in the book of *Sahih al-Bukhariy*, cum directly indicates the act of *sa'iy* is an obligation in performing *hajj* and *umrah*. This issue is prolonged by al-Qurtubiy in the interpretation of chapter Ibrahim.

Through these two verses, al-Qurtubiy (2008) uses all four elements of *tafseer al-fiqhiy*. In his explanation, problems of *fiqh* related to verses comparison of opinions between *mazahib* and independent interpretation on the esoteric verses have been explained clearly, and he is also presenting the accurate opinion, based on the knowledge possessed by him.

Briefly, the elements of *tafseer al-fiqhiy* could be summarized as pictured in figure 1 below:

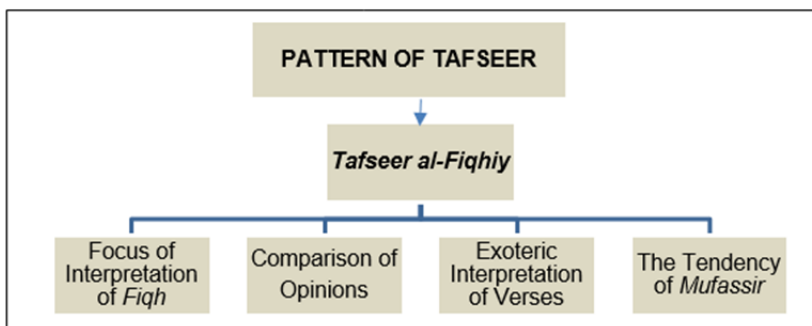


Figure 1: Brief Formulation of Elements of Tafseer al-Fiqhiy

Figure 1 indicates four outlines conceptualized elements of *tafseer al-fiqhiy*. Despite so, not all *mufasssir* utilize the entire four particular elements in the interpretation of *al-fiqhiy* as the *mufasssir* possess their knowledge, expertise thought and tendency in giving their interpretation towards verses of al-Quran.

4. Analyzing The Position of The *Tafseer Al-Fiqhiy's* Pattern as a Research Design in the Field of *Fiqh* Researches

After recognizing the elements within *tafseer al-fiqhiy* by *mufasssir*, it is identified that all the particular four elements able to be analysed critically from the angle of its development in the researches of *fiqh*. This is due to the enormous contribution of *fiqh* based research in Islamic studies. Henceforth, this article examines the position of *tafseer al-fiqhiy's* pattern as a part of research methodology viz. research design.

Generally, the definition of research design from the perspective of current research has been explained before. In short, a research design is a systematic and thorough plan, including outlining each research process, starting from early research, hypothesis, and operational implication to be analysed by the researchers on the last stage (Kerlinger, 1986).

This research design possesses similarities with the pattern of *tafseer al-fiqhiy* in three aspects. First, the design and pattern of *tafseer al-fiqhiy* is a form of plan or research's strategy. Second, it is focussing on constructing explanations within certain research's subjects, through various scopes.

Third, research design and the pattern of *tafseer al-fiqhiy* can be combined with different, multiple designs in a single research. By the compatibility of these three research designs, the pattern of *tafseer al-fiqhiy* is positioned similarly to the research design, and it can be considered as a specific *fiqh* design of Islamic research.

Tafseer al fiqhiy can be implemented as a *fiqh* design. It has functioned as a research design that describing the issues of *fiqh*, Islamic laws, current issues and biographies of prominent *fiqh* scholars such as al-Syafi'y, Imam Malik, Imam Ahmad and Imam Abu Hanifah. All researches that studying the issues of *fiqh* or *syariah* can utilize it as a research design, including current issues that require preliminary tests which involve the laws, rituals that insist explanations such as *hajj*, *zakat* (alms) and *wakf* (endowment), comparison of ideas between scholars of *fiqh* and biography studies or related to the respected ulama of *fiqh* themselves. This situation is parallel or in accordance to the elements of *tafseer al-fiqhiy* that is assembling verses of al-Quran, later issuing laws within selected verses according to the preferences of the *mufassir* (al-'Abid, 2010). In other words, a *fiqh* research design is research that is pertaining to Islamic *fiqh* that involves all aspects of discussions in life.

By the produced *fiqh* research design, hence Muslim researchers can utilize it while conducting a study on *fiqh*. Besides, this kind of research design will make the researchers at ease for its compatibility to merge with another form of design. Amongst other designs that can be applied are *tafseer al-sufiy*, *tafseer al-bayaniy*, *tafseer al-ilhadiy*, *tafseer al-falsafiy*, *tafseer al-'ilmiy*, *tafseer al-madhhabiy* and *tafseer al-adab al-'ijtima'iy*. The selection of the research design's pattern is depending on the tendency or trend of the whole study that is going to be conducted by the researcher.

The design of *al-sufiy* is known as the exploratory design of Sufism which can be adopted in the research related to sufism or *tasawuf*. *Al-bayaniy* is a pre-historic or exploratory study of language's literature that is useful for researches related to history or the value of an expression. Meanwhile, the design of *al-ilhadiy* is known as an exploratory design on distortion that is utilized for studying the form of distortion or falsification in Islam.

Al-falsafiy design is an exploratory of philosophy that is benefitting the study of philosophy and Muslim's thought. *Al-'ilmiy* is known for its relationship with the universe and scientific exploratory study. The design of *al-madhhabiy* is a design of grouping ethnography that is special for any research related to races, tribes and certain societies. Meanwhile, the design of *al-adab al-'ijtima'iy* is known for its societal shape of the design, including field research, survey, and case study that involve the processes of the interview, friendly meetings, questionnaires and sundries. The scope of this design can be enlarged to the extent of other sciences such as social, economic, political, nationalistic study, education and other related matters to Islam. The findings will indicate that the pattern of *tafseer's* design originated from the discipline of *tafseer* able to be benefited wholly in constructing a design for Islamic research.

In this matter, Syed Muhammad Naquib al-Attas (1995) asserts that the method of *tafseer* is an educational methodology that comprises an accurate method and approach towards the field of knowledge in the shape of Islamic research. The method of *tafseer* possesses the strength from the usage of accurate Arabic language owing to the linguistic and semantic that is grounding on the meaning and wording as well as perspective of life that is driven by al-Quran and Sunnah of the Prophet Muhammad PBUH (Wan Mohd Nor Wan Daud, 2016). Based on this foundation, Syed Muhammad Naquib al-Attas (1995) suggests that the authentic method of interpreting al-Quran that is in accordance with the Islamic standard has to be applied massively in the field of education and research.

Hence, with the construction of *fiqh* design based on the pattern of *tafseer al-fiqhiy*, apparently able to resurrect the triumph of Islamic scholarship, especially in the field of *tafseer*. Meanwhile, from the aspect of Islamic research, it has to be applied as a new Islamic research design and meet compatibility point for implementation in the research, instead of adopting the Western approach of researching Islamic study.

5. Conclusion

This article identifies four primary elements in *tafseer al-fiqhiy* which can be applied in Islamic researches. Firstly, both universal design and pattern of *tafseer al-fiqhiy* are regarded as a plan or strategy in research. Secondly, it is focusing on constructing information within certain research's subjects, through various scopes. Thirdly, research design and the pattern of *tafseer al-fiqhiy* can be merged with another design in research. This situation indicates that the whole pattern of *tafseer al-fiqhiy* is correlating with the method of research, and the different part between these two is the operational execution; the pattern of *tafseer* is utilized in interpreting al-Quran, meanwhile, the research method is used for other scientific studies. Henceforth, *tafseer al-fiqhiy* is remarkably congruent to be applied in the research of *fiqh* owing to its accuracy in the Islamic sciences and parallel to Islamic standard as it is retrieved from the vital branch of Islamic sciences viz. *tafseer* al-Quran.

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