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(JPJ)

Abstract

The topic of this research is the Financial Discretion punishment (*Ta'zīr bi al-māl*) from the perspective of Islamic Jurisprudence (*Fiqh*) and Malaysian law as applied in traffic rules. The objective of the research is to explore issues concerning branches, types, nature, and the principles of *Ta'zīr bi al-māl*. Chapter one mentions the proposal of thesis, that contains introduction, cases, questions, objectives, framework of study (research), literature review and methodology of research. Chapter two discusses the meaning of *Ta'zīr* and its reasoning and types. After examining both classical and modern literatures, it was found that *Ta'zīr* is essentially speculative outcome of Muslim jurists that were made based on the Qur'ān and Hadīth. Since it is *ijtihād*, it is subject to change and not absolute. A comparison was made between *Ta'zīr* and the law of Malaysia relating to traffic rules regarding the issuing of summons. This was done by utilizing the methodology of literature review and interview with department of Road Transport (JPJ). Chapter three discusses the law of financial discretion punishment from Islamic jurisprudence. The study believes that even though *Ta'zīr* is considered speculative, it has its own regulations and objectives. Chapter four discusses the regulations of *Ta'zīr bi al-māl* and traffic violations in Malaysia. The regulations are the rules and formulas governing the *Ta'zīr*, with the objective of meeting the requirement of *sharīah*. It was found that Malaysia only practices the issuance of summons, while Islamic jurisprudence has many kinds of *Ta'zīr bi al-māl*, even though it has not been codified as the law of Malaysia. The last chapter discusses the significance of the financial discretion punishment for traffic law violation in order to minimize disobedience or transgression and also discusses the ethics of distribution of money from summons.

APPROVAL PAGE

I certify that I have supervised and this study and that in my opinion it confirms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a thesis for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Ushul fiqh).

Muhammad Akram Laldin
Supervisor

I certify that I have read this study and that in my opinion it confirms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a thesis for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Ushul fiqh).

Arif Ali Arif
Examiner

This thesis was submitted to the Department of Fiqh and Ushul fiqh and is accepted as partial fulfillment of requirements for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Ushul fiqh).

Muhammad Akram Laldin
Head,
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This thesis was submitted to the Kulliyah of Islamic Revealed Knowledge and Human Sciences and is accepted as partial fulfillment of requirements for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Ushul fiqh).

Hazizan Md. Noon
Dean,
Kulliyah of Islamic Revealed
Knowledge and Human Sciences.

DECLARATION

I hereby declare that this thesis is the result of my own investigation, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references and a bibliography is appended.

Name: Imam Sujoko

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Undang-Undang Am Malaysia "

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Tourism Vehicles "594

**Akta pelesenan kenderaan / Licensing Act 1999) And Regulation(Act 594)
pelancong 1999 Dan Peraturan-Peraturan²¹**

Detail on 1988 amendment "

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Road Transport Index and Cases²²

²⁰ Lembaga penyelidikan Undang-undang, **Undang-Undang Am Malaysia**, (Kuala Lumpur: International Law Book Service, 2000)

²¹ Lembaga Penyelidikan Undang-Undang, **Akta Pelesenan Kenderaan Pelancongan 1999 (Akta 594) dan Peraturan-Peraturan**, (Kuala Lumpur: International Law Book Service:2000).

²² Detail on 1988 Amendments with, Road Transport act 1987 Index and cases, (Kuala Lumpur: Maju Daya Cipta, 1989), page 1 and next.