



AL WASHLIYAH FATWA COUNCIL'S RESPONSE TO CONTEMPORARY ISLAMIC ISSUES

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Abstract: This article examines the response of the Al Washliyah Fatwa Council to contemporary Islamic issues. Specifically, it explores the council's fatwas on terrorism and jihad, communism, Ahmadiyah, women and non-Muslims as leaders, and lesbian, gay, bisexual, and transgender individuals. This study is conducted as a literature review with a sociological approach. The research data consists of fatwa documents issued by Al Washliyah, as well as other organizational documents. The data is analyzed using the interpretation method. In analyzing the study's topic, Max Weber's theory of social action and power domination will be employed. The study suggests that the Al Washliyah Fatwa Council, as the sole authority on religious matters within the Al Washliyah organization, encourages the obedience and implementation of its fatwas by the organization's members, even though these fatwas are not fully socialized. Additionally, this institution employs religious values as the legal basis for the decisions made in its fatwas, which is evident from the long-standing guideline for fatwa stipulation. The fatwas also indicate that Al Washliyah upholds the traditions of the Shāfi'iyah school in Indonesia.

Keywords: Al Washliyah, terrorism, communism, Ahmadiyah, LGBT, leadership

Article history: Received: May 13, 2023 | Revised: June 5, 2023 |
Accepted: June 14, 2023 | Available online: June 30, 2023

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Introduction

The contemporary Islamic world faces several important issues. Scholars have identified these contemporary Islamic issues. Asma Afsaruddin mentions a number of them, namely Islam and politics, Islam and gender, Islam and interfaith relations, Islam and jihad (including terrorism), and Quranic hermeneutics.¹ In the Indonesian context, Azyumardi Azra, building upon Carool Kersten's thought, states that the issues often debated by Muslim intellectuals in Indonesia include secularism, pluralism, liberalism, and democracy. Specifically, religious freedom, tolerance, and human rights are frequently discussed.² Issues that draw significant attention are the problems concerning Islam and Muslim minorities such as Ahmadiyah,³ and Shia,⁴ Islam, radicalism, and terrorism,⁵ non-Muslim leaders,⁶ and women,⁷ communism,⁸ as well as lesbian, gay, bisexual, and transgender issues.⁹ Additionally, many other important issues have been the subject of recent debates among experts.

Al Jam'iyatul Washliyah (or Al Washliyah), one of the largest Islamic organizations in Indonesia, actively engages with contemporary issues in the Islamic world. The organization was established on November 30, 1930, in Medan, Indonesia, and presently enjoys support from millions of people within the country, with some of its followers residing overseas. Researchers have given mixed responses about this organization. According to Deliar Noer,¹⁰ Al Washliyah is a traditional Muslim organization. R. William Liddle¹¹ stated that Al Washliyah is a modernist Islamic organization that is the largest Muslim social and educational organization in East Sumatra. B.J. Bolland¹² stated that Al Washliyah is a very orthodox Shâfi'i school. Anthony Reid¹³ stated that "despite its traditional beginnings and predominantly rural support, the very success of Jamiatul Wasliyah as an organization of national type gave it common interests with Muhammadiyah [despite its traditional beginnings and mostly rural support, the success Jamiatul Wasliyah as a national

type organization gives it the same importance as Muhammadiyah].” Kevin W. Fogg¹⁴ stated that Al Washliyah is an Islamic organization that strongly supports the struggle for the revolution for independence.

Al Washliyah has not garnered much attention from foreign researchers. Nonetheless, several Indonesian researchers have conducted studies on the organization. Some researchers have examined Al Washliyah’s fatwas concerning minority groups (such as Ahmadiyah, Shia, and LGBT issues), non-Muslim leaders, and women, as well as radicalism. However, the existing research has predominantly been normative and lacks a social science approach to analyzing Al Washliyah’s response to these issues. This article specifically reviews the response of the Al Washliyah Fatwa Council to contemporary Islamic issues. The issues under examination include jihad and terrorism, Ahmadiyah and communism, women and non-Muslim leaders, and LGBT matters. The research methodology employed is a literature study with a sociological approach. Primary data is obtained from various documents published by the Al Washliyah organization, particularly the Al Washliyah Fatwa Council. The principal source for this research is the publication titled *Keputusan-keputusan Dewan Fatwa Al Jam’iyatul Washliyah (1930-2020)*. Secondary data used in this study comprises research findings by experts on Al Washliyah and the Al Washliyah Fatwa Council. The data is analyzed using an interpretive method. Furthermore, this study incorporates Max Weber’s theory of social action and power domination.¹⁵ This study is significant considering Al Washliyah’s position as one of the largest Islamic organizations in Indonesia, with millions of supporters. However, it remains relatively under-researched in the academic sphere.

Result and Discussion

1. Al Washliyah and Al Washliyah Fatwa Council

Al Jam'iyatul Washliyah is a name given by Syekh Muhammad Yunus,¹⁶ an influential Mandailing scholar in Medan City, who studied with prominent scholars at the Grand Mosque in Mecca. The name "Al Jam'iyatul Washliyah" means "an organization that connects." This organization was inaugurated on November 30, 1930.¹⁷ It was founded by several students from the Tapanuli Islamic College (MIT)¹⁸ and Al-Hasaniyah Madrasah in Medan.¹⁹ Some of its founders include Ismail Banda Lubis,²⁰ Abdurrahman Sjihab Rangkuti,²¹ M. Arsjad Th. Lubis,²² Adnan Nur Lubis,²³ and Yusuf Ahmad Lubis.²⁴ The primary purpose of Al Washliyah was to advance, prioritize, and increase the spread of Islam.²⁵ Al Washliyah follows the Shâfi'i school²⁶ and the Ahl al-Sunnah wa al-Jamâ'ah school.²⁷ The organization is involved in education, da'wah (Islamic preaching), social charity, empowering the economy of the people, fostering and improving the quality of its members, and developing digitalization. Al Washliyah is a mainstream Islamic organization with moderate views.²⁸ Al Washliyah has rejected radicalism and terrorism.²⁹ Al Washliyah ulamas contribute to the strengthening of the Islamic intellectual tradition in Indonesia,³⁰ especially the preservation of Religious sciences.³¹

As an organization dedicated to advancing, prioritizing, and spreading Islam, Al Washliyah established the Al Washliyah Fatwa Council (*Dewan Fatwa Al Washliyah*), previously known as *Madjlis Al-Fatwa*. Founded on December 10, 1933, the Al Washliyah Fatwa Council was initially established to provide policies and decisions regarding complex issues in religious and other problems.³² The Al Washliyah Fatwa Council has issued numerous fatwas covering various aspects of life, particularly matters of faith, worship, muamalah (transactions), politics, society, and culture.³³ In 2020, the Al Washliyah Fatwa Council published a book titled *Keputusan-*

keputusan Dewan Fatwa Al Jam'iyatul Washliyah 1933-2020, which contains a compilation of the institution's fatwas spanning from 1933 to 2020. The book was edited by Ja'far, Imam Yazid, and Irwansyah.³⁴

The Articles of Association and Bylaws (AD/ART) of Al Washliyah have regulated the position, duties, functions, and authority of the Al Washliyah Fatwa Council. The Al Washliyah Articles of Association, published in 2021, stated the position, duties, and functions of the Al Washliyah Fatwa Council. Regarding the position of the Fatwa Council, it is stated that: (1) the Fatwa Council is an Al Washliyah Sharia institution, (2) the Fatwa Council is elected and appointed by the Congress, and (3) the Fatwa Council is located at the Executive Board level. The duties and functions of the Fatwa Council are as follows: (1) to determine Islamic legal fatwas related to problems among members, administrators, and society in general, (2) to provide direction and guidance based on Islamic religious guidance to the Al Washliyah Executive Board in implementing organizational programs, (3) to issue warnings and admonitions to the PB Al Washliyah, and (4) together with the Advisory Board, to assume the management of the Al Washliyah Executive Board.

The Bylaws also mention the authority of the Fatwa Council, which includes: (1) issuing legal fatwas to serve as guidelines for organizations, Al Washliyah citizens, and society in general in the field of religion, (2) seeking opinions from specific experts when special expertise is needed to determine the law regarding a problem, (3) supervising the organization's compliance with the Bylaws, (4) giving warnings to the Al Washliyah Executive Board or Executive Board personnel who make decisions or take actions that are not in accordance with the AD/ART, (5) having the power to extend the service period of the Al Washliyah Executive Board for 3 months after considering the reasonableness of the extension, and (6) if during the extension period the Executive Board is

unable to hold the Congress, the Fatwa Council can assume control of the Executive Board and appoint a caretaker to carry out the tasks of the Executive Board, specifically conducting the Congress within 6 (six) months. This encompasses the position, duties, functions, and authority of the Al Washliyah Fatwa Council.

2. Al Washliyah and Contemporary Islamic Issues

Based on a review of the various fatwas of Al Washliyah, several fatwas were found, which were the institution's response to actual issues in the socio-religious field in post-New Order Indonesia. Several other fatwas are related to matters of worship, muamalah, and socio-culture, which are the daily problems of Muslims. Below, five fatwas will be discussed, a manifestation of the Al Washliyah Fatwa Council's response to the issues of Muslims in the contemporary era.

a. Fatwa on Jihad dan Terorisme

This fatwa was decided during a fatwa session of the Al Washliyah Fatwa Council in Banda Aceh, held from July 28 to 30, 2010. The council made the following decisions regarding jihad and terrorism: (1) Jihad has two meanings: all efforts and maximum exertion of willingness to endure hardship in fighting and resisting enemy attacks in all their forms. This type of jihad is referred to as *al-qital* or *al-harb*; and all sincere and continuous efforts to uphold and elevate the religion of Allah. This form of jihad is known as *li l'la'i kalimatillah*. (2) Terrorism is an act of crime against humanity and civilization that poses a grave threat to the state, security, world peace, and undermines the welfare of society. Terrorism is an organized crime that instills fear among people. Indeed, jihad and terrorism are distinct from each other. Jihad is a concept that encompasses remedial actions, whereas terrorism is characterized

by its destructive nature. Jihad aims to defend and uphold religion, while terrorism seeks to instill fear and terrorize. Jihad operates within clear rules and targets, whereas terrorism lacks rules and can target anyone without limitations. The law of jihad holds an obligatory status, while terrorism is considered *haram* (forbidden).

b. Fatwa on Ahmadiyya

This fatwa was issued twice: on 16 October 2011 and 12 December 2017. In 2011, the Al Washliyah Fatwa Council issued a fatwa:

1. The teachings of the Ahmadiyya sect are heretical and out of the religion of Islam.
2. Adherents of the Ahmadiyya sect are advised to return to the true religion of Islam.
3. The Indonesian government was asked to stipulate that the Ahmadiyya sect is separate from Islam.

In 2017, the Fatwa Council of Al Washliyah issued a fatwa:

1. That the Ahmadiyya sect is not an Islamic religious teaching is heretical and misleading.
2. Muslims who follow the teachings of Ahmadiyah are out of Islam (apostasy).
3. Recommendations: (1) The government of the Republic of Indonesia is suggested to disband the Ahmadiyya Congregation in Indonesia because its existence could disturb the peace/harmony of religious communities and the stability of the Republic of Indonesia. (2) The Police of the Republic of Indonesia is suggested to regulate all activities of Ahmadiyya in Indonesia from the Central to the Regions to maintain the conduciveness of society. (3) To Muslims who have already joined the Ahmadiyya sect, it is obligatory

to immediately return to the true path of Islamic teachings by reciting two sentences of the creed.

c. Fatwa on Communism

This fatwa was issued on April 1, 2017, in Medan. The Fatwa Council of Al Washliyah stated that:

1. Communism is anti-all religion.
2. One who follows communism with knowledge and awareness is an infidel.
3. People who follow communism without knowledge and awareness are heretics.
4. An infidel because he has a communist view resulting in (a) It is illegal to become a leader, (b) It is illegal to become a marriage guardian, (c) His rights as heirs are lost, and (d) *Fardhu kifayah* is not carried out against him.
5. It is forbidden to use and trade communist symbols and attributes.
6. People with communist views, whether they are aware of it or not, are obliged to return to Islam by saying the shahada.

d. Fatwas on Leadership (Women and Non-Muslim)

1. Fatwa on women's leadership. This fatwa was issued on 23 November 1998 in Medan. The Fatwa Council of Al Washliyah issued a fatwa "that women cannot become heads of state."
2. Fatwas of Non-Muslim Leaders. The Al Washliyah Fatwa Council issued a fatwa that "Surah al-Mâ'idah verse 51 is the argument for the prohibition of electing a leader who is not a believer." This fatwa was published on 22-23 October 2016 in Medan.

e. Fatwa on Lesbian, Gay, Bisexual, and Transgender

This fatwa was issued on 22-23 October 2016 in Medan. The Al Washliyah Fatwa Council emphasized that: (1) Lesbian, gay, bisexual, and sodomy (LGBS) are illegal, and (2) Transgender law is as follows: (a) If born with one perfect sex, transgender is illegitimate, (b) If you are born with one sex but are not perfect, *tashhih* and *takmil*, then the law is permissible, and (c) If born with multiple sexes, transgender is permissible and even recommended.

Sociologically, the aforementioned fatwas represent Al Washliyah's response to the emergence of various contemporary issues in the Islamic world, particularly in Indonesia. For instance, the fatwa on jihad and terrorism reflects the organization's reaction to numerous acts of terrorism worldwide, with a particular emphasis on those occurring in Indonesia. This is also Al Washliyah's rejection of the association of terrorism with Islam. The Fatwa on Ahmadiyah represents Al Washliyah's response to the presence of the Ahmadiyah group in Indonesia, particularly in light of the conflicts between Ahmadiyah followers and certain Sunni Muslim groups within the country. These conflicts were particularly prominent during the administration of President Susilo Bambang Yudhoyono (SBY). Al Washliyah, since its inception before Indonesia's independence, has consistently rejected the understanding and movement of Ahmadiyah. The founders of Al Washliyah issued a decree explicitly rejecting the presence of the Ahmadiyah group. According to Al Washliyah, Ahmadiyah followers are considered to have apostatized, as the differences between Sunni Muslims and Ahmadiyah are viewed as fundamental in terms of religious beliefs. On the other hand, the fatwa on communism above is Al Washliyah's response to the emergence of the discourse on the revival of communism in Indonesia that occurred during the first period of President Joko Widodo's administration. This discourse has even become the subject of study and debate among academics, especially politicians

on the national stage. Al Washliyah, as an Islamic organization that once clashed with the Indonesian Communist Party in the Old Order era, certainly rejects communism. The Fatwa on LGBT was Al Washliyah's response to the growing number of LGBT followers in Indonesia, as well as their rejection of the group's doctrines and campaigns that actively fight for their rights, including openly advocating for the legalization of same-sex marriage. The fatwa on non-Muslim leaders was a response to the discourse related to the interpretation of Surah Al-Mâ'idah verse 51. There was a debate about whether this verse prohibited the election of non-Muslims as leaders. The controversy arose when Ahok, a non-Muslim politician serving as the Governor of DKI Jakarta, shared his interpretation of this verse with some citizens. Although some Muslim academics supported his opinion, the socio-political conditions at that time made his personal stance on the verse controversial. Surah al-Mâ'idah verse 51 eventually became a national and sensitive issue, leading Al Washliyah to affirm their opinion that it is forbidden (haram) for a Muslim to choose a leader who is a non-Muslim. Regarding Al Washliyah's fatwa on women as heads of state, the organization emphasizes that it is prohibited to elect women to such positions. This fatwa is in response to the succession of national leadership in Indonesia during the early stages of the Reformation era, where a female politician emerged as one of the presidential candidates and eventually became the elected president. Al Washliyah, as an Islamic organization that adheres to the Shâfi'i school, firmly rejects the idea of women serving as heads of state.³⁵

In the context of Max Weber's social action motives, this study identified three dominant motives of the Fatwa Council of Al Washliyah when issuing fatwas in response to contemporary issues in the Islamic world, particularly in Indonesia. These three motives are social action motives: instrumentally rational, value rational, and traditional. First, the Al Washliyah Fatwa Council assumes the role of guardianship

over Muslims in general and the organization's followers in particular. The issuance of a fatwa by this institution aims to guide Al Washliyah members and administrators. Although these fatwas are not well socialized among the followers and the public due to limited accessibility, the organization expects its followers to adhere to the fatwas. Al Washliyah's sharia institutions believe that the fatwas they issue represent the most rational efforts and choices to realize dharurat al-khams. Second, in determining fatwas, Al Washliyah's sharia institutions incorporate various religious values. When determining the legal status of a particular issue, this institution follows the methodology of the Shâfi'i school. The Al Washliyah fatwa institution has well-defined guidelines for issuing fatwas. Specifically, it draws on Islamic values derived from the Qur'an, hadith, fiqh rules of the Shâfi'i school of thought, and Ahl al-Sunnah wa al-Jamâ'ah. These values are rational and dynamic, carrying probabilities that contribute to the development of distinctive fatwas. Third, the Fatwa Council of Al Washliyah endeavors to uphold the tradition of Islamic law based on the Shafi'i school when dealing with contemporary issues. The institution's model of issuing fatwas and the fatwas themselves are disseminated and encouraged to be followed by Muslims, as a means for this institution to perpetuate the tradition of the Shafi'i school. Al Washliyah strongly believes in the authenticity of this madhhab, and thus continues to uphold its tradition in Indonesia.

In the context of power domination, the Al Washliyah Fatwa Council, as the sole religious authority within the Al Washliyah organization, establishes two models of power domination. Firstly, there is the dominance of legal power, wherein this institution collaborates with the Al Washliyah Executive Board to disseminate its fatwas to the members of the Al Washliyah community. Despite being a religious authority, the Al Washliyah Fatwa Council finds it necessary to strengthen its position by involving the Al Washliyah Executive

Board in the enforcement of its fatwas. Secondly, there is the dominance of charismatic power. The Al Washliyah Fatwa Council, being the exclusive holder of religious authority since 1933, has evolved into a highly esteemed institution within the Al Washliyah organization. Moreover, the council comprises charismatic and knowledgeable scholars, which further enhances the validity of the fatwas it issues. As a result, these fatwas are automatically obeyed by the Al Washliyah community.

Conclusion

Finally, the Al Washliyah Fatwa Council has produced a significant number of fatwas that address various aspects of the lives of individuals and the nation. These fatwas encompass matters related to faith, worship, mu'amalah (transactions), politics, society, and culture. Regrettably, only a limited number of researchers, both from within and outside the country, have taken notice of this institution and its fatwas. Conducting comprehensive research on the Al Washliyah Fatwa Council would undoubtedly contribute to the available reference material concerning the dynamics of Islamic law in Indonesia. Al Washliyah has issued numerous fatwas in various fields, particularly related to creed, sharia, socio-culture, and politics. However, these fatwas have not been thoroughly and optimally studied using various approaches. Conducting research on Al Washliyah's religious understanding remains an intriguing area to explore, particularly considering that this organization boasts millions of followers and operates hundreds of madrasas, schools, and colleges that have garnered the support of lower-class Muslims across Indonesia

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