



ULAMA AND ISLAMIC PHILANTHROPY IN CONTEMPORARY INDONESIA: Al Washliyah Fatwas on Zakat and Sadaqah

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Abstract: This article examines the role of Al Jam'iyatul Washliyah ulama in Islamic philanthropy. The study of Islamic philanthropy in this Islamic organization has never been conducted by any researcher. This is a neglected topic, despite Al Washliyah being the most influential Islamic organization in North Sumatra Province. Specifically, this article explores Al Washliyah's fatwas on zakat and sadaqah, two important elements in the study of Islamic philanthropy. The article adopts a field study approach with a historical perspective. The primary data for this research consist of the fatwas of Al Washliyah, both from its ulemas and its ulama institutions, on zakat and shadaqa (alms). The data are analyzed using the content analysis method. To examine the topic, this article employs Max Weber's theory of social action and power domination. The study reveals that Al Washliyah issues fatwas related to zakat and alms, and all of these fatwas represent the organization's official response to various problems faced by Muslims in Indonesia, including economic and political challenges. These fatwas are based on normative, historical, and political considerations.

Keywords: Islamic philanthropy, ulama, Al Washliyah Fatwa Council, zakat, sadaqah

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Introduction

Theoretically, zakat, infaq, and sadaqah (alms) are integral parts of Islamic law. One of the functions of zakat is to aid fellow Muslims, particularly the poor. The redistribution of wealth, on the other hand, fulfills an obligation in Islam, and on the other hand, it also contributes to the economic well-being of Muslims. Zakat, infaq, and sadaqah are also practices of generosity deeply rooted in the Islamic tradition.¹ Ideally, if zakat, infaq, and sadaqah are maximally empowered, they can significantly reduce economic disparities within society. Simultaneous contributions in the form of zakat, infaq, and sadaqah (alms) can strengthen the relationship between the impoverished and the affluent.

This study examines the role of Al Washliyah in the field of Islamic philanthropy in Indonesia.² Specifically, it focuses on the fatwas issued by this Islamic organization concerning zakat and sadaqah. Al Washliyah, established in Medan on November 30, 1930,³ by religious students who were alumni of Maktab Islamiyah Tapanuli⁴ and Madrasah al-Hasaniyah,⁵ is widely recognized for its significant contribution to the practice of generosity through zakat and sadaqah. One of the essential roles of Al Washliyah, particularly the Al Washliyah Fatwa Council,⁶ is to issue fatwas that provide legal guidance and serve as guidelines for Muslims, particularly the millions of Al Washliyah members in Indonesia. This article aims to review the fatwas on zakat and sadaqah put forth by Al Washliyah ulama and Al Washliyah Fatwa Council.

The study of Al Washliyah's fatwas in the field of Islamic philanthropy is a novel research area. Previous studies on Islamic philanthropy in Indonesia have primarily focused on the role of Muhammadiyah, one of the largest Islamic organizations in the country, in promoting acts of generosity. However, it is important to recognize that other Islamic organizations also contribute to the concept and practice of Islamic philanthropy. Generally, research on Al Washliyah remains

relatively limited, including investigations into its philanthropic concepts and initiatives, despite existing studies on its history, education, da‘wah (Islamic preaching), law, and politics. To date, there is no specific study that examines Al Washliyah’s fatwas on Islamic philanthropy, particularly those concerning zakat, and sadaqah (alms).

This study employs a literature research methodology with a historical approach. The research data sources are categorized into two types: primary data sources, which include documents related to Al Washliyah’s fatwas on zakat and sadaqah (alms), as well as books and articles published by this Islamic organization based in Medan City. Two books published by Al Washliyah serve as the main references for this research: *Keputusan Musjawarat Ulama Al Washlijah tentang Zakat*,⁷ and *Keputusan-keputusan Dewan Fatwa Al Jam’iyatul Washliyah 1930-2020*.⁸ Additionally, M. Arsjad Th. Lubis’ work titled *Ilmu Fiqih*⁹ will be utilized as a primary reference due to the author’s esteemed status as a scholar within the Al Washliyah organization.¹⁰ The secondary sources in this study consist of research findings by experts on Al Washliyah, zakat, and alms. The content analysis technique is employed to analyze the research data. To explore Al Washliyah’s motives behind issuing fatwas on zakat and alms, Max Weber’s theory of social action and power domination is utilized.¹¹

Result and Discussion

1. Zakat in *Ilmu Fiqih* by M. Arsjad Th. Lubis

Before delving into Al Washliyah’s fatwas on zakat and sadaqah (alms), it is essential to provide a brief overview of zakat, infaq, and sadaqah (alms) based on Shaykh M. Arsjad Th. Lubis’ book.¹² This is particularly significant as Al Washliyah’s legal perspectives align with the teachings of Tuan Arsjad, one of its founders. Tuan

Arsjad, who established Al Jam'iyatul Washliyah in 1930,¹³ extensively explored zakat in his renowned work, *Ilmu Fiqih*, which has undergone multiple printings. This book has been printed many times.

Ilmu Fiqih is one of Tuan Arsjad's books that serve as a reference in the field of fiqh for Al Washliyah followers. This book is based on the Shâfi'i school of fiqh. In the bibliography, the author explicitly cites key books within the Shâfi'i school, including *al-Umm*, *Majmu' Syarh al-Muhazzab*, *Syarh Minhaj al-Thâlibîn*, *I'ânah al-Thâlibîn*, and *Mughni al-Muhtâj*.

In his book, Tuan Arsjad dedicates pages 68 to 73 to the chapter on zakat. In other words, the chapter on zakat in this book is relatively concise. However, compared to similar books widely available in Indonesian society, *Ilmu Fiqih* offers a more practical approach as it focuses on core issues, making it a useful guide for preachers. Professor Dr. H. Abdullah Syah, M.A., a renowned ulama in North Sumatra Province and the Chairman of the MUI (Indonesian Ulama Council) in North Sumatra Province, has referred to Tuan Arsjad's book in various lectures and recitations. This information was obtained during Tuan Arsjad's lifetime. Similarly, Professor Dr. H. Ramli Abdul Wahid, M.A., the Chairman of the Fatwa Council of Al Washliyah (2015-2020),¹⁴ also regarded the book as an excellent guide and handbook for Muslim communities, particularly in North Sumatra Province. He emphasized that the content of the book is influenced by the Shâfi'i school of fiqh, and Tuan Arsjad is widely recognized for his knowledge in the field of Shâfi'i fiqh in North Sumatra Province. Consequently, when his name is mentioned, public trust has been firmly established in their hearts.

In *Ilmu Fiqih*, particularly in Chapter IV on the Law of Zakat, Tuan Arsjad stated that zakat involves giving a portion of one's wealth according to the methods and regulations prescribed by Islam. The wealth that is given away as charity is referred to as

zakat. Interestingly, in the chapter on Zakat Fitrah, there is a sub-chapter that discusses the concept of voluntary charity. Tuan Arsjad mentions that it is recommended (Sunnah) to give charity beyond one's daily needs and to do so discreetly. However, in the case of obligatory charity, such as the supererogatory zakat, it is customary for Muslims to give it openly.

The underlying wisdom behind the practice of discreetly giving voluntary charity (sunnah) is to help Muslims avoid arrogance. By keeping such acts hidden, individuals can maintain humility and prevent the development of arrogance in their hearts. On the other hand, the act of giving zakat openly serves multiple purposes. Firstly, it serves to motivate others to fulfill their zakat obligations by setting an example. Secondly, it acts as proof that a Muslim has fulfilled their religious obligation, providing transparency and accountability. When this understanding is embraced positively, it can help prevent prejudice and judgment toward others.

2. The Decision of the Al Washliyah Ulama Deliberation on Zakat

During a meeting held by Al Washliyah scholars to address the issue of zakat, eight decisions were made. One of these decisions allowed the Imam and the amil (zakat administrators) to transfer the zakat they received from one area to another area in need. This decision indicates that, under certain circumstances, zakat can be redirected to areas other than where it was initially collected. While in fiqh studies, zakat is typically prioritized for the rightful recipients in the local area of collection, with distribution primarily benefiting the poor and other mustahiq (those eligible to receive zakat) within that vicinity, the Al Washliyah scholars' deliberation in 1968 provided an alternative opportunity for zakat to be distributed to other areas. This decision was driven by the intention to ensure that zakat could reach and benefit Muslims in need. Several prominent

Al Washliyah ulama participated in this deliberation, including Shaykh M. Arsjad Th. Lubis, Shaykh Mahmud Syihabuddin, Shaykh Hamdan Abbas, Shaykh Abu Bakar Ya'cub, and Ustadz Usman Hamzah.

It is interesting to note that this deliberation decision was made by Al Washliyah scholars in 1968, long before the Indonesian Ulama Council was established in 1975. This signifies that Al Washliyah has been actively addressing religious issues in Indonesia from its inception. Furthermore, this fatwa can be viewed as Al Washliyah's response to the Minister of Religious Affairs Regulation No. 4 and No. 5 of 1968, which pertained to the establishment of the Amil Zakat Agency and Baitul Mal (Islamic Treasury). In the preface of the book "*Keputusan Musjawarat Ulama Al Washliyah Tentang Zakat*," it is stated that certain aspects needed to be emphasized. This indicates that the regulation did not align with Al Washliyah's fiqh perspective on zakat. For instance, the regulation granted the amil zakat authority to collect all Muslims' zakat, including zakat fitrah. However, according to Al Washliyah, commercial property, gold, and silver, as well as zakat fitrah, are not within the scope of the amil's authority.

3. Fatwas of Al Washliyah Fatwa Council on Zakat and Sadaqah

a. Fatwa on the Virtue of Optional Hajj and Optional Charity

In this case, the Fatwa Council of Al Washliyah decided in 1998: (1) sunnah alms (*sedekah sunnah*) is better than sunnah hajj (*haji sunnah*). (2) In a situation of economic crisis, such as the one experienced by Indonesia in 1998, spending a Muslim's wealth to overcome the economic difficulties of Muslims, in general, is preferable (*afdhâl*) than performing the circumcised Hajj. (3) It is not permissible for the officials responsible for dealing with the mentioned economic crisis to perform the circumcised Hajj because

fulfilling their duty to address the economic crisis of the ummah is more important than performing the personal circumcised Hajj.

b. Fatwa on Using Zakat for the Construction of Madrasah or Mosque

This fatwa was also issued in 1998 at Universitas Muslim Nusantara (UMN) Al Washliyah in Medan. The content of the decision is as follows: “In the absence of physical jihad, the *fi sabilillâh* share of zakat may be used for the general benefit of Muslims, such as the construction of madrasahs, financing teachers and preachers, and building mosques in places that truly need them.” This fatwa aligns with the fatwa issued by the Indonesian Ulema Council (MUI) in 1982, which stated that zakat funds allocated for *sabilillâh* may be utilized for *maslahah ‘ammah* (public interest). Therefore, the line of thought in the fatwa of Al Washliyah and MUI, in this case, is the same, as both expand upon the meaning of *fi sabilillâh*.

Interestingly, this fatwa differs slightly from the 2016 Decision of the Al Washliyah Fatwa Council regarding the Law of Zakat for Mosque Construction. During the Al Washliyah Fatwa Council meeting held in Medan on October 22-23, 2016, the following decision was made:

1. It is not permissible to distribute zakat for mosques because they are not *mustahiq*.
2. Zakat for mosque construction is permissible if it is in a Muslim minority area that serves as a means of da’wah strength in the area.
3. It is permissible to give zakat to someone who owes money for the construction of a mosque.

It is interesting to note that the 2016 fatwa of the Al Washliyah

Fatwa Council mentioned above is stricter than the previous fatwa from 1998. This change occurred due to amendments made to the Articles of Association and Bylaws of Al Washliyah, particularly those related to the fiqh chapter. In 1998, Al Washliyah's fiqh primarily followed the Shâfi'i School. The Shâfi'i school of thought is not the only school of organization. However, during the Mukhtamar Al Washliyah in 2015, it was decided that the Shâfi'i school of jurisprudence would be the official school followed by Al Washliyah.¹⁵ As a result, the meaning of *fi sabilillâh* became narrower, returning to its original definition of "people who voluntarily fight and do not receive salaries from the state treasury".

c. Fatwa on the Rulings of Zakat al-Fitrah and Related Matters

In 2022, The Al Washliyah Fatwa Council issued a fatwa on zakat fitrah, which is as follows:

1. In the interest of prudence, zakat fitrah is to be paid with one *sha'* of rice, as per the view of the scholars of the Shâfi'i Madhhab. The measurement of 1 (one) *sha'* of rice is 2.7 kg.
2. Zakat fitrah may be paid from the beginning of Ramadhan until before the 'Id Fithri prayer.
3. Amil is an institution/group of people appointed by the Government in charge of collecting and distributing zakat based on applicable regulations.
4. Amil is not entitled to sell zakat fitrah that has been submitted by *muzakki* (the person who gives zakat).
5. The amount of *fidyah* is 1 (one) *mudd*, which is 0.7 kg of rice per day and is only entitled to be received by the poor.
6. Zakat fitrah can be received by 8 (eight) *ashnaf* (groups) *mustahiq*, prioritizing the poor.

7. Amil is obliged to separate the zakat fitrah and *fidyah* portions because *fidyah* is only intended for the poor.

The emergence of this fatwa was based on the empirical fact that the Muslim community in Indonesia was still affected by the Covid-19 pandemic, so the community's economy had not fully stabilized in early 2022. The economic difficulties faced by Muslims during the pandemic finally led the Al Washliyah Fatwa Council to encourage Muslims to expedite the payment of zakat fitrah, and the payment does not necessarily have to wait for the "mandatory time," which is after sunset at the end of the month of Ramadan. Shaykh Bakri Muḥammad Syatha', in *I'ānah al-Thâlibîn*, explains that one of the permissible times to pay zakat fitrah is from the first day of Ramadan, and it is considered a "permissible time" (*mubah*) referred to as "may" (*jawaz*). Al Washliyah is an organization that officially adheres to the Shâfi'i school of fiqh. Therefore, the organization follows the opinion of the Shafi'i scholars as affirmed by Shaykh Muhammad Bakri Shatha. However, with the inclusion of this category in the dictum of the fatwa, it indicates that Al Washliyah is open to the possibility that the payment of zakat fitrah should be expedited even at the beginning of Ramadan, which is permissible according to Shariah.

On the other hand, there is an emphasis in the fatwa that the poor and needy are prioritized. This is a form of Al Washliyah concern for the poor and needy, where, at this time, the community has not prioritized zakat fitrah for the poor. In fact, according to the Prophet's hadith, one of the functions of zakat fitrah is to cleanse the fasting person and feed the poor. Additionally, the Quran also emphasizes the need to prioritize the right to zakat for the poor. Strictly speaking, the poor and needy need special attention so that they can become "rich" (sufficient) people on 'Id al-Fitr, and they do not become people who beg.

Conclusion

In the context of Max Weber's motives for social action, this study found three dominant motives of the Fatwa Council of Al Washliyah in issuing fatwas on zakat and sadaqah: instrumentally rational, value rational, and traditional. Generally, the Al Washliyah Fatwa Council is the sole authority in the socio-religious field within the Al Washliyah organization. It is the only institution with the authority to issue fatwas in this Islamic organization. In response to socio-economic and socio-political issues in Indonesia, this institution issues fatwas on zakat and sadaqah, which are rational choices made to realize the emergency al-khams, consisting of *hifdz al-dîn*, *hifdz al-nafs*, *hifdz al-nasal*, *hifdz al-mâl*, and *hifdz al-'aql*. The Fatwa Council also aims for Al Washliyah citizens to implement these decisions. The fatwas of the Al Washliyah Fatwa Council on zakat and alms are based on religious values derived from the sources of Islamic law, according to the Shâfi'iyah school of thought. As an organization rooted in the Shâfi'i school of thought, Al Washliyah's fatwas support and preserve the school. In this case, the Fatwa Council of Al Washliyah strives to uphold the Shâfi'iyah tradition in the archipelago. Regarding power domination, the Al Washliyah Fatwa Council collaborates with the Al Washliyah Executive Board to socialize and implement decisions related to zakat and sadaqah (alms). Within the Al Washliyah organization, the Al Washliyah Fatwa Council holds a charismatic ulama institution status, and it has a long history, as it was founded in 1933. The administrators of this institution are charismatic scholars. Consequently, the decisions of this institution have never been challenged.

In the context of the Islamic philanthropy movement, Al Washliyah, as an Islamic organization, has demonstrated its commitment to the equitable distribution of wealth to others through zakat, infaq, and sadaqah (alms). This illustrates that Al Washliyah actively engages in Islamic philanthropic activities. This is evident through

its fatwas, both individually through the fatwas of its scholars and collectively through the Al Washliyah Fatwa Council. Al Washliyah has long encouraged Muslims to share their wealth as an act of generosity in supporting fellow believers. Normatively, Islam promotes a sense of brotherhood among Muslims, where they are like a unified structure that strengthens one another. This bond of brotherhood is strengthened when individuals care for and support one another, including through the distribution of wealth. Hence, Islam allows the giving of zakat even to one's family members, if they are not among those who are obligated to provide for them, such as one's children and spouse.

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¹ Yusuf Qaradawi, *Fiqh Al-Zakâh A Comprehensive Study of Zakah Regulations and Philosophy in the Light of the Qur'an and Sunnah* (London: Islamic Book Trust, 2011).

² For this concept, see: Arif Maftuhin, *Filantropi Islam: Fikih Untuk Keadilan Sosial* (Yogyakarta: Magnum Pustaka, 2017); Ahmad Gaus A. F., *Filantropi Dalam Masyarakat Islam* (Jakarta: Elex Media Komputindo, 2008).

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⁷ Pengurus Besar Al Djamijatul Washlijah, *Keputusan Musjawarat Ulama Al Washlijah Mengenai Zakat* (Medan: Pustaka Univa, 1969).

⁸ Dewan Fatwa Al Washliyah, *Keputusan-Keputusan Dewan Fatwa Al Jam'iyatul Washliyah 1933-2020*, ed. Ja'far Ja'far, Imam Yazid, and Irwansyah Irwansyah (Medan: Perdana Publishing and Dewan Fatwa Al Washliyah, 2020).

⁹ M. Arsjad Th. Lubis, *Ilmu Fiqih (Ibadat, Mu'amalat, Munakahat Dan Djinajat)* (Medan: Islamyah, 1965).

¹⁰ For his others works, see: Ja'far Ja'far, "Peran M. Arsjad Th. Lubis Dalam Pengembangan Ilmu-Ilmu Keislaman," *Dialogia: Jurnal Studi Islam dan Sosial* 18, no. 2 (2020).

¹¹ Max Weber, *Economy, and Society: An Outline of Interpretive Sociology* (California: University of California Press, 1978).

¹² Ja'far Ja'far, *Jejak Sang Bintang: Sketsa Biografis Syekh Hasan Ma'sum H. Ismail Banda, H. Abdurrahman Sjihab H.M. Arsjad Th. Lubis & H. Yusuf Ahmad Lubis*, ed. Ismed Batubara (Medan: Centre For Al Washliyah Studies (Pusat Kajian Al Washliyah), 2022); Mardian Idris Harahap, "Nationalism and Political Thoughts of Sheikh M. Arsjad Thalib Lubis (1908-1972)," *MIQOT: Jurnal Ilmu-ilmu Keislaman* 45, no. 1 (2021).

¹³ Udin Sjamsuddin, *Chutbah Pengurus Besar Memperingati Ulang Tahun Al-Djam'iyatul Washliyah Seperempat Abad (30 November 1930-30 November 1955)* (Medan: Pengurus Besar Al Djamijatul Washliyah, 1955).

¹⁴ Ramli Abdul Wahid, *Anak Desa Tak Bertuan Jadi Profesor: Kisah Nyata Kehidupan 60 Tahun Prof. Dr. Drs. H. Ramli Abdul Wahid, LC., M.A.*, ed. Ja'far Ja'far and Irwansyah Irwansyah (Medan: CV. Manhaji, 2014).

¹⁵ Ja'far Ja'far, "Peran Al Jam'iyatul Washliyah Dalam Merevitalisasi Madhhab Shafi'i Di Era Kontemporer," *Justicia Islamica: Jurnal Kajian Hukum dan Sosial* 13, no. 1 (2016); Ja'far Ja'far, "Ulama, Al Washliyah and Knowledge in Modern Indonesia (1930-1980)," *MIQOT: Jurnal Ilmu-ilmu Keislaman* 46, no. 2 (2022): 235-256; Ja'far Ja'far, "Peran Ulama Al Washliyah Dalam Pengembangan Ilmu Agama," *Islamijah: Journal of Islamic Social Sciences* 2, no. 1 (February 24, 2021): 16, <http://jurnal.uinsu.ac.id/index.php/islamijah/article/view/11291>.