

# FATWAS OF AL WASHLIYAH FATWA COUNCIL IN THE CONTEMPORARY ERA: Non-Muslim Leaders, Communism, and Ahmadiyah

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**Abstract:** This is library research with a historical and legal normative approach. The primary data sources were documents obtained from the Al Washliyah Fatwa Council, while secondary sources were the results from experts on the topics discussed. The data were analyzed by content analysis and the results showed Al Washliyah which adheres to *al-Syâfi'i* and *Ahl al-Sunnah wa al-Jamâ'ah* responds to a variety of contemporary religious issues, especially the law on electing leaders from non-Muslims, the legal position of communists, and Ahmadiyah. The perspective of this organization is firm that it is forbidden to elect non-Muslims as leaders, since the communists are infidel groups, and the Ahmadiyah are deviant sects. Moreover, this view emphasizes the position of the organization as a traditional Islamic group in Indonesia and tends to reject liberal understandings.

**Abstrak:** Studi ini merupakan studi kepustakaan dengan pendekatan historis dan legal normatif. Sumber data primer penelitian ini adalah dokumen-dokumen milik Dewan Fatwa Al Washliyah, sedangkan sumber sekundernya adalah hasil-hasil penelitian para ahli tentang topik yang dibahas. Data dianalisis dengan metode analisis isi. Studi ini mengajukan argumen bahwa Al Washliyah yang menganut mazhab Syafi'i dan Ahl al-Sunnah wa al-Jama'ah memberikan respons terhadap ragam soal keagamaan kontemporer, terutama terkait hukum memilih pemimpin dari kalangan non-Muslim, kedudukan hukum komunis, dan Ahmadiyah. Pandangan organisasi ini tegas, bahwa haram memilih non-Muslim sebagai pemimpin, komunis adalah kelompok kafir, dan Ahmadiyah adalah aliran sesat. Pandangan keagamaan Al Washliyah ini menegaskan posisi Al Washliyah sebagai kelompok Islam tradisional di Indonesia, dan cenderung menolak pemahaman liberal.

**Keywords:** Al Washliyah, fatwa, non-Muslim, communism, Ahmadiyah

## Introduction

Al Jam'iyatul Washliyah is the oldest organization in North Sumatra which was established before Indonesia's independence.<sup>1</sup> This organization was founded on 9 Rajab 1349 AH, which coincides with 30 November 1930 AD.,<sup>2</sup> by prominent ulama in North Sumatra, including H.M. Arsjad Th. Lubis, H. Syamsuddin, Ismail Banda, and H. Abdurrahman Sjihab.<sup>3</sup>

Historically, the organization originated from a discussion institution for Islamic studies at Maktab Islamiyah Tapanuli (MIT), also known as the Debating Club, which was founded in 1928 AD.<sup>4</sup> Two years later, it developed into an Islamic organization with the name Al Jam'iyatul Washliyah. Therefore, Al Jam'iyatul Washliyah was officially established in Medan on 30 November 1930 AD and has spread to various parts of Indonesia with branches in 32 provinces.<sup>5</sup> Its central leadership was called the Executive Board, abbreviated as EB, which was originally based in Medan City until 1986. The GM location was moved to the Indonesian Capital City, the XVI Mukhtamar of 1986 AD in Jakarta. Initially, this organization was engaged in education, preaching, and social charity. Its activities expanded to the field of economic empowerment for the people at the XVIII Mukhtamar in Bandung.

In the creed, Al Washliyah adheres to the *Ahl Sunnah wa al-Jamâ'ah* sect which was founded by Abû Hasan al-Asy'âri (270-324 H).<sup>6</sup> Al Washliyah's understanding in the field of faith can be traced through its fatwas, the books used as the syllabus at its madrasa, and the writings of its ulama. The book taught in first grade Ibtidaiyah is the Lesson of Faith written in Jawi (Arabic Malay) by the founder, H.M. Arsjad Th. Lubis (1908-1972).<sup>7</sup> In the third grade, they are taught *Kifâyah al-'Awwâm fî 'Ilm al-Kalâm*, a book written by Shaykh Muḥammad al-Fudhâlî. At the Tsanawiyah level, they are taught *al-Hushûn al-Hamîdiyyah li al-Muḥafazhah 'ala al-'Aqâ'id al-Islâmiyyah*, by Husain bin Muḥammad al-

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<sup>1</sup> Udin Sjamsuddin, *Chutbah Pengurus Besar Memperingati Ulang Tahun Al-Djam'ijatul Washlijah Seperempat Abad (30 November 1930-30 November 1955)* (Medan: Pengurus Besar Al Djamijatul Washlijah, 1955).

<sup>2</sup> Pengeroes Besar Al Djamijatoel Washlijah, "Kerangkaan Riwayat Hasil Dan Oesaha Pekerdjaan Al Djamijatoel Washlijah Selama 5 Tahoen Moelai Tanggal 30 November 1930-30-11-1935," *Medan Islam*, 1936.

<sup>3</sup> Ja'far Ja'far, *Tradisi Intelektual Al Washliyah: Biografi Ulama Kharismatik Dan Tradisi Keulamaan* (Medan: Perdana Publishing and CAS, 2015).

<sup>4</sup> Ja'far Ja'far, *Sang Ulama Pemimpin: Biografi Abdurrahman Sjihab* (Medan: Perdana Publishing and CAS, 2021).

<sup>5</sup> Ja'far Ja'far et al., "Discovering the Legacy of Mandailing Ulama: Education, Intellectuals, and Politics in North Sumatra in the Early 20th Century," *Ulumuna: Journal of Islamic Studies* 26, no. 2 (2022): 296-336.

<sup>6</sup> Ja'far Ja'far, "Al Jam'iyatul Washliyah Dan Pelestarian Akidah Ahl Sunnah Wa Al-Jamâ'ah Di Indonesia," *Islamica: Jurnal Studi Keislaman* 14, no. 1 (2019).

<sup>7</sup> Ja'far Ja'far, "Peran M. Arsjad Th. Lubis Dalam Pengembangan Ilmu-Ilmu Keislaman," *Dialogia: Jurnal Studi Islam Dan Sosial* 18, no. 2 (2020).

Jasar al-Tharablusî. Meanwhile, at the Aliyah level, they are taught *ad-Dusûqî* and *ʿAqîdah Islâmiyah* (Principles of Belief in Islam) Volume I and II by H. Nukman Sulaiman (d. 1996 M), *ʿIlm al-Tauhîd* by H. Rasyad Yahya (d. 1976 AD), and *Ilmu Tauhid* (Fundamentals of Belief in Islam) with *Jawi* writings by H. Ahmad. All these books teach the six pillars of faith.<sup>8</sup>

In the field of fiqh, Al Jamʿiyatul Washliyah adheres to the Imam al-Shâfiʿi school.<sup>9</sup> The assembly dealing with the field of fiqh in particular and religious issues, in general, is the Al Washliyah Fatwa Council which is only located at the center. This council was formed on 10 December 1933 AD. Based on the statutes, Al Washliyah adheres to the al-Shâfiʿi school and fatwas, where the practice of the members is to follow the fiqh books by the Shâfiʿiyah ulama, such as books by the great ulama Imam al-Râfiʿî, Ibn Hajar al-Haitamî, and Imam al-Ramlî.

Al Jamʿiyatul Washliyah is also synonymous with the fatwas of its founder, H. M. Arsjad Th. Lubis.<sup>10</sup> However, at the Mukhtamar held in Bandung, the organization revised its Articles of Association in the field of fiqh from adhering to giving priority to the al-Shâfiʿi school. As a logical consequence, the legal fatwas of the organization after the Mukhtamar, are no longer strictly and rigidly bound to the opinions of the Shâfiʿiyah ulema only. This provision gives opportunities for the Fatwa Council to answer various problems of the ummah, and more elastically for the Al Washliyah residents. Moreover, when there are difficulties (*taʿadzdzur* and *taʿassur*) to practice the al-Shâfiʿi school in the process of establishing fatwas, the Al Washliyah Fatwa Council can carry out an *ikhtiyâr* against one of the *qaul* in the school or opinion outside the school from the *Ahl al-Sunnah wa al-Jamâʿah*.<sup>11</sup> For example, in the al-Shâfiʿi school, skin contact between a man and a woman who is not a *mahram* invalidates ablution whenever and wherever.

The fatwas above are part of a series of Al Jamʿiyatul Washliyah fatwas which are decided due to various social conditions. Furthermore, they develop from the true meaning of fatwas. They are legal requests/questions that are answered by the mufti in various literature. Nevertheless, the nature of the fatwas has developed where they do not have to be requested and can be issued for certain reasons. They are issued in a protective, responsive, anticipatory, and reactive manner. The fatwas that have been tried or issued since 2010 to 2017 at the Banda Aceh and Medan sessions are those that are perfect with

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<sup>8</sup> See also: Pengurus Besar Al Djamijatul Washlijah, "Laporan Pelajaran Al Jamʿiyatul Washliyah," in *Peringatan Al Djamijatul Washlijah ¼ Abad 30 Nopember 1930-30 Nopember 1955*, ed. Nukman Sulaiman (Medan: Pengurus Besar Al Djamijatul Washlijah, 1956).

<sup>9</sup> Jaʿfar Jaʿfar, "Peran Al Jamʿiyatul Washliyah Dalam Merevitalisasi Madhhab Shafiʿi Di Era Kontemporer," *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 13, no. 1 (2016).

<sup>10</sup> Mardian Idris Harahap, "Nationalism and Political Thoughts of Sheikh M. Arsjad Thalib Lubis (1908-1972)," *MIQOT: Jurnal Ilmu-Ilmu Keislaman* 45, no. 1 (2021).

<sup>11</sup> Mhd Syahnan and Jaʿfar Jaʿfar, "Examining Religious Moderation of the Al-Jamʿiyatul Washliyah Fatwa Council," *Journal of Indonesian Islam* 15, no. 1 (2021).

preambles, but those not issued are still many. The 2010 and 2016 fatwas at the National Session in Madani Hotel Medan were only in the form of decision dictum, without preambles. During the determination of the dictum, all participants in the session, who were mostly Fatwa Council members, had a serious argument with each other when referring to the books written by the *muktabar* ulama, especially in the al-Shâfi'i school. This is because not all of them have complete preambles. Therefore, this study examined several samples of fatwas with complete preambles since they have another side and dynamics, which influence when these decrees appear or are issued.

Furthermore, it examined Al Washliyah's fatwas regarding the law on electing non-Muslims as leaders, communism, and Ahmadiyah. The report of the Fatwas Council is interesting because it is the institution's response to actual issues in the Indonesian religious field. The council has been examined by other experts, especially Mhd. Syahnan<sup>12</sup> and Ja'far,<sup>13</sup> but they are limited to studying the fatwas of this institution without analyzing them with a merely historical approach.<sup>14</sup> Therefore, this study examined the fatwas of the council on issues of non-Muslim leaders, communism, and Ahmadiyah, using a legal, normative, and sociological approach. Moreover, it emphasized that the perspective of the council is very firm and uncompromising such that it is forbidden to elect non-Muslims as leaders, since the communists are infidel groups, and the Ahmadiyah are deviant sects. This religious perspective confirms the position of Al Washliyah as a traditional Islamic group in Indonesia and tends to reject liberal understandings.

## Methodology

This study is library research. This study examines Al Washliyah's fatwas. Furthermore, it focused on the fatwas of the Fatwa Council regarding non-Muslim leaders, communism, and Ahmadiyah. The steps taken in its implementation are as follows. In the initial stage, the results of the stipulated fatwas were observed and analyzed. Subsequently, the concept of legal determination was examined according to ulama in the field of *fiqh* and was compared with the concept of *istinbath al-ahkâm* according to the Al Washliyah Fatwa Council. In the second stage, the surrounding sociological dynamics, background, and reasons for the publication of the fatwas were analyzed. Meanwhile, the third stage was to make the findings based on data analysis and all aspects that support the process of

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<sup>12</sup> Mhd. Syahnan, Ja'far Ja'far, and Muhammad Iqbal, "Ulama and Radicalism in Contemporary Indonesia: Response of Al Washliyah's Ulama on Radicalism," *Ahkam: Jurnal Ilmu Syariah* 21, no. 1 (2021); Syahnan and Ja'far, "Examining Religious Moderation of the Al-Jam'iyatul Washliyah Fatwa Council."

<sup>13</sup> Ja'far Ja'far, "Respon Dewan Fatwa Al-Jam'iyatul Washliyah Terhadap Isu Akidah Dan Syariah Di Era Global," *Al-Manahij: Jurnal Kajian Hukum Islam* 10, no. 1 (2016).

<sup>14</sup> Ja'far Ja'far, *Dewan Fatwa Al Jam'iyatul Washliyah*, ed. Imam Yazid and Irwansyah Irwansyah (Medan: Perdana Publishing and Dewan Fatwa Al Washliyah, 2020).

the analysis. Regarding data sources, all the fatwa files of the council were collected, especially those related to non-Muslim leaders, communism, and Ahmadiyah. The data were then analyzed using the content analysis method.

## Results and Discussion

### ***1. Fatwa Regarding the Understanding of Surah al-Mâ'idah Verse: 21***

This fatwa was decided in 2016 in Medan and was the 16th during this period. The decision dictum emphasized that “Surah *al-Mâ'idah* verse 51 is the argument for the prohibition of electing leaders who are not believers.” This fatwa arose as a result of the various understandings in society regarding the interpretation of the word “*auliyâ*” as leaders, allies, and helpers. Based on the Indonesian Department of Religion’s (now Ministry of Religion) translation of the Qur’an in 1986, the word *auliyâ*’ is translated as leaders. For example, Surah *al-Mâ'idah* 51 is translated as “*O believers! Take neither Jews nor Christians as leaders—they are leaders of each other. Whoever does this will be counted as one of them. Surely, Allah does not guide the wrongdoing people.*”

In the Department’s version of the Qur’an translation, the title above *al-Mâ'idah* 51 is “*Prohibited from making allies with Jews and Christians and the consequences of violating it.*” The title given above seems to be the *istinbâth* for the essence of the verse which will be translated below. The verse is a prohibition to make allies with Jews and Christians. However, the translation of the verse mentions leaders and not allies. It can be seen that there is no synchronization between the title and the translated content. Whereas, in the current version of the Qur’an translation by the Ministry of Religion, the word “*auliyâ*” has been translated to “allies”. It seems that the word selection model (diction) in translating the Qur’an at the Ministry of Religion has also experienced a shift. This also appears in society regarding the confusion between the interpretation of *al-Mâ'idah*: 51, whether it is prohibited to make non-Muslims leaders or it is only prohibited to make them allies while being leaders is justified.

This reality was responded to by the Al Washliyah Fatwa Council to establish the meaning and interpretation of the verse in order not to become confusing for the general public, especially among the Al Jam‘iyatul Washliyah residents. The council does not only take one verse but also includes other verses that have the same meaning as *al-Mâ'idah*: 51, namely: Allah’s Word in Surah *Âli ‘Imrân*: 26 “*Believers should not take disbelievers as guardians (leaders) instead of the believers—and whoever does this will have nothing to hope for from Allah—except it is a precaution against their tyranny. And Allah warns you about Himself. And to Allah is the final return.*” Allah’s word in Surah *al-Nisâ*: 144 “*O believers! Do not take disbelievers as guardians instead of the believers. Would you like to give Allah solid proof against yourselves?*” In the two verses above which are used as the basis of the Al Washliyah Fatwa Council in performing *istinbâth* on law, it is not

permissible to make non-Muslims leaders. The two verses use the word *auliyâ'*. Moreover, the prohibition can be firmly understood when Allah says in Surah al-Nisâ': 144, "Would you like to give Allah solid proof against yourselves?," this is the firmness not to make non-Muslims leaders while believers are exempted.

Muhammad 'Alî al-Shâbûnî, when interpreting Surah *Ali-Imran* verse 28, stated that the *asbâb al-nuzûl* of this verse was when the believers happened to have friends from the Jews. Furthermore, some of the companions said to them "stay away from the Jews and do not make friends with them in order not to confuse your religion and lead you astray". However, this advice was rejected, and they even remained friends, hence, this verse was revealed. In another narration, al-Qurthubî interpreted the verse that Ibn 'Abbâs stated about 'Ubadah bin Shamid al-Anshari, a participant in the Badr war who happened to have some allies from the Jews. During the Ahzab war, Prophet Muhammad came out, and was asked by 'Ubadah, "O Prophet! I want to have 500 Jewish allies and I consider it necessary should they want to go out with me to face the enemy." Subsequently, this verse was revealed. Al-Shabuni stated that based on this verse, ulema believed that appointing infidels to manage the affairs of Muslims is not allowed. In *Ahkâm al-Sulthâniyah*, Imâm al-Mawardi asserted that the duty of a leader is to manage the world and preserve the Religion of God (Islam), and this can only be carried out by the believers. The following is the statement of Imam al-Mâwardî in the book *al-Ahkâm al-Sulthaniyyah*,<sup>15</sup> *al-imâmah maudhu'at li khilâfah al-nubuwwah fi hirâsah al-dîn wa siyâsah al-dunyâ*. Meanwhile, appointing a leader is mandated in Islam, in other words, their appointment is an order. This is evident in the hadith of the Prophet who ordered the appointment of leaders as follows: Hadith of the Prophet narrated by Abu Dawud: *From Abi Sa'id al-Khudri, the Prophet said that when there are three people traveling, let one of them be appointed/selected as the leader*.<sup>16</sup>

In the book, *Shahîh wa Dha'îf al-Jâmi' al-Shaghîr*, Muhammad Nâshir al-Dîn al-Albânî stated that this hadith is sahih.<sup>17</sup> Meanwhile, a sahih hadith is narrated by narrators who are *'adl* and *dhabîth*, and continue the sanad from beginning to end, without abnormality (*shuzûz*) or hidden defects (*'illat*). Due to the blasphemy of sahih hadith, the ulama has agreed to stipulate sharia laws.<sup>18</sup> In this hadith, the Prophet Muhammad ordered to appoint a leader when three people are traveling (travelers). It was also mentioned that there are three travelers, hence, they need to appoint one of them as a leader. *Ushûl al-fiqh* stated *qiyas awlawi* that in the case of travelers involving only three people, the Prophet ordered to appoint a leader, which is certainly more obligatory in a state.

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<sup>15</sup> Imam al-Mâwardî, *Al-Ahkâm Al-Sulthaniyyah*, Juz 1 (Singapore: al-Haramain, n.d.).

<sup>16</sup> Abu Dawud, *Sunan Abi Dawûd*, Juz 2 (Kairo: Dar Kutub 'Ilmiyah, n.d.), 140.

<sup>17</sup> Muhammad Nâshir al-Dîn al-Albânî, *Shahîh Wa Dha'îf Al-Jâmi' Al-Shaghîr*, ed. Juz 1 (Kairo: al-Maktab al-Islâmî, n.d.).

<sup>18</sup> Daud Rasyid, *Apa Dan Bagaimana Hadis Nabi?* (Jakarta: Usamah Press, 2012), 68-74.

Looking back at Al Washliyah fatwa on this matter, the council quoted the opinion of Qâdhi 'Iyâdh in *Syarh al-Nawâwi 'ala Muslim* by Imâm al-Nawâwi which stated that the ulama has agreed for leadership should not be handed over to infidels. In the book, Imâm an-Nawâwi, it is stated that: “*The ulama has agreed that the leadership (imam) is not valid for an infidel. Suppose there is disbelief in him, the leadership will be null and void.*”<sup>19</sup>

It was further stated that giving leadership to non-Muslims is invalid. Believers should fight to uphold religion by making their leaders people of the same faith. Therefore, in today's context, abstaining is forbidden and even a sin or wrongdoing when it leads to the election of leaders who are not of the same faith.<sup>20</sup>

It is interesting to note that this has become a national issue in Indonesia. Several people still defend and justify the appointment of leaders from non-Muslim groups. Buya HAMKA in *Tafsir al-Azhar* emphasized that “it is impossible for someone to propose another individual as their leader when they do not like that person. Even though they like those from different religions, these people have not officially converted to the religion they like.” According to a narration from Abû Humaid, Huzaifah al-Yaman, a famous friend of the Prophet Muhammad, said that “Be careful each one of you, he has become a Jew or Christian and does not feel.” Humaid subsequently reads Surah al-Mâ'idah: 51 that when someone has made them a leader, he is included in the group of people he appointed to be the leader.<sup>21</sup>

This fatwa was decided in Medan and signed by Ramli Abdul Wahid as Chairman and H. M. Nasir as Secretary of the Al Washliyah Fatwa Council. It is a response to the emergence of various understandings in society about Surah al-Mâ'idah verse 51 when a government official during the campaign for regional head elections said that the verse is often used as an argument for not electing leaders who are not of the same faith (religion).

This understanding of al-Mâ'idah has also become a hot topic of discussion in various circles of society, from the common people to academics and Indonesian ulema, as well as Islamic organizations. This is because elections are an arena for the people to determine their future leader, at least in the next five years. Meanwhile, electing a leader to enforce *Imâmat* and *Imarah* is an obligation.<sup>22</sup> Because Al Washliyah is an Islamic organization whose authority is to “issue legal fatwas to serve as guidelines for the organization, its residents, and the general public in the field of religion,” the Fatwa Council issued a

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<sup>19</sup> Imam al-Nawawî, *Al-Minhâj Fî Syarh Shahîh Muslim*, ed. Juz 12 (Libanon: Dâr al-Fikr, n.d.), 229.

<sup>20</sup> Irwansyah Irwansyah, “Umat Islam Golput, Berdosa,” *Waspada*, December 4, 2015.

<sup>21</sup> Buya Hamka, *Tafsir Al-Azhar*, Juz 3 (Jakarta: Gema Insani Press, n.d.), 1763.

<sup>22</sup> Majelis Ulama Indonesia, *Ijma' Ulama Keputusan Ijtima' Ulama Komisi Fatwa Se-Indonesia III Tahun 2009* (Jakarta: MUI, 2009), 23.

fatwa to explain the meaning of Surah al-Mâ'idah verse 51. The root of the problem is the word "*auliyâ*" where some interpret it as leaders, while others as allies. Therefore, when understood as allies, there will be opportunities to allow non-Muslims as leaders.

In this Al Washliyah fatwa, the council understands that even when "*auliya*" is defined as allies, the result will be the same. Therefore, making non-Muslims allies is not permissible, let alone making them leaders. This kind of understanding is based on qiyas aulawi that making non-Muslims allies is not justified, let alone making them leaders.

Appointing a leader is indeed an order in the Sharia. This is based on the hadiths of the prophet, such as the one narrated by Abu Dawud from Sa'id al-Khudri that the Prophet Muhammad once mentioned "when there are three people on a musafir (travel), a leader should be appointed from one of them."<sup>23</sup> However, the importance of the appointment is not understood as someone who is to take care of the government only. Islamic leaders have a duty not only to take care of the government or state but also the religion.

In line with the explanation, Imam al-Mâwardî in *al-Ahkâm as-Sulthaniyyah*<sup>24</sup> emphasized that besides caring for the world, one duty of a leader is to maintain Religion. Meanwhile, maintaining the Religion of Allah (Islam) can only be carried out by believers because non-believers certainly will not care for Islam with all their hearts. Moreover, the Qur'an confirms that infidels, Jews, and Christians will never be pleased or happy with Islam at any time. Surah al-Baqarah verse 120 states that: "*Never will the Jews or Christians be pleased with you, until you follow their faith. Say, 'Allah's guidance is the only true guidance'. And suppose you were to follow their desires after all the knowledge you have gained, there would be none to protect or help you against Allah*".

The verse above clearly states that religions outside of Islam, such as Judaism and Christianity, will never be pleased with Muslims forever. Forever can be understood from the word "*lan tardha*" which in Arabic the connotation of the meaning is "*li al-dawâm*" (forever). Therefore, it is impossible for non-believers to manage the religion properly and correctly because their hearts will never be happy.

In historical records, the Jews (Zionists) have treated Islam inhumanely like Israel until now. A book by Prof. Jacob Katz, a Jewish Journalist stated that dozens of congresses were held to boost the Jewish generation. This is because their descendants were subject to discriminatory behavior until they were finally able to control the world's vital channels, such as banks, mass media, politics, and others.<sup>25</sup>

The phenomenon of understanding Surah al-Mâ'idah verse 51 became a serious topic of discussion when the Ministry of Religion version of the Qur'an initially defines

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<sup>23</sup> Abu Dawud, *Sunan Abî Dâwud*, Juz 2 (Kairo: Dâr al-Kutub al-Islâmiyah, n.d.), 141.

<sup>24</sup> al-Mâwardî, *Al-Ahkâm Al-Sulthaniyyah*, 3.

<sup>25</sup> Joko Susilo, *Sejarah Pertumbuhan Dan Perkembangan Zionisme* (Surabaya: Pustaka Progresif, 1997), 323-345.



the word “*auliyâ*” as “guardians” by adding information in the footnotes. The meaning of “guardians” is the plural form of “*auliyâ*” which means allies, leaders, protectors, or helpers.<sup>26</sup>

The presence of the Al Washliyah Fatwa is an affirmation of the understanding of Surah al-Mâ'idah: 41 that it is not justified to make non-Muslims leaders. The presence also responds to actual issues in society regarding the understanding of Surah al-Mâ'idah: 51. The previous understanding which allows infidels to become allies only, but not leaders is refuted by the fatwa that making them allies is not justified, let alone leaders based on *qiyas awlawi*.<sup>27</sup>

The different perspectives in society, especially in the academic environment, are things commonly understood by various approaches taken in academic discussions, such as consumption is part of the academic activity. However, the position of the Fatwa Council as an institution that has authority on Islamic law among Al Washliyah demands the making of a decision. Therefore, the understanding of people, especially Al Washliyah residents, is correct. In this case, the responsive protective nature of the council is evident.

## **2. Fatwa on Communism**

Communism is not a new problem in Indonesia and is an anti-God ideology. This understanding is certainly not in line with the 1945 Constitution, which in its first precept is the belief in one and only God. Communism is an ideology that destroys the nation and endangers the faith of generations as well as the future of religion. The issue of communism in 2017 reappeared, hence, the Al Washliyah Fatwa Council as an institution competent in the field of sharia fatwas felt it was very urgent to issue a communism fatwa as a guideline for the Muslim community, especially the residents of Al Jam'iyatul Washliyah, Indonesia.

In the fatwa, Al Washliyah explained that communism has an understanding that is not based on religion. It has the principle that religion is opium or makes people dream, and God is invented by people who are weak in mind. Moreover, the founder of communist understanding, Karl Marx, said it was necessary to fight religion. Communism has become a hot topic of discussion by various elements of society and has caused public unrest. Therefore, due to various considerations, Al Washliyah finally issued a fatwa that communism is an anti-God ideology. In Islam, as stated in surah Thâhâ: 98, it is expressly stated that Allah is God and there is no god but Him as follows: “Your only god is Allah, there is no god unworthy of worship except Him. He encompasses everything in His knowledge.”

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<sup>26</sup> Susilo, 80.

<sup>27</sup> See: Dewan Fatwa Al Washliyah, *Keputusan-Keputusan Dewan Fatwa Al Jam'iyatul Washliyah 1930-2020*, ed. Ja'far Ja'far, Imam Yazid, and Irwansyah Irwansyah (Medan: Perdana Publishing and Dewan Fatwa Al Washliyah, 2020), 95-102.

Likewise with Surah al-Ikhlâsh in verses 1-4, Allah confirmed that “*Say, O Prophet, He is Allah—One and Indivisible. Allah—the Sustainer, needed by all. He has never had offspring, nor was He born. And there is none comparable to Him.*”

This verse talks about the oneness of Allah in various interpretations. It is also stated that it is included in the *Makkiyah* category. It is called Surah al-Ikhlâsh because it contains monotheism. This verse contains the main points of monotheism. This surah also has the meaning of affirming and rebutting the trinity creed that God is childless and not begotten.

In other surahs, like Surah al-Anbiyâ’: 92 Allah also stated that: “*O prophets! Indeed, this religion of yours is only one, and I am your Lord, therefore, worship Me alone.*” Other verses used by the Al Washliyah Fatwa Council include Surah Âli ‘Imrân verse 62: “*Certainly, this is the true narrative, and there is no god ùworthy of worshipú except Allah. And indeed, Allah ùaloneú is the Almighty, All-Wise.*” Allah says in Surah Shâd verse 4: “*Now, the pagans are astonished that a warner has come to them from within. 1 And the disbelievers say, “This is a magician, a total liar!”*” At the same time, the Prophet Muhammad also mentioned in various hadiths: Abû Hurairah r.a. said: Rasulullah Saw. stated that, “every child is born out of nature (*fithrah*), hence, the parents make them a Jew, Christian or Zoroastrian.” (Narrated by Bukhârî). Ibn ‘Umar said Rasulullah saw. stated that “whoever resembles the people belongs to their group.” (Narrated by Abû Dawud. Validated by Ibn Hibbân).

Furthermore, there are many ulema opinions in Indonesia. For example, the Indonesian Islamic Ulama Council meeting in Surabaya on 27 Rabiul Akhir to 3 Jumadil Awal 1374 H., or 23-27 December 1954 AD, made a unanimous decision that the philosophy of communism (historical materialism) was contrary to the basis of faith in divine nature. Likewise, the Ulama Conference on 12-16 Safar 1377 H/8-11 September 1957 AD stipulated a decision that the ideology/teachings of communism were *kufir* in law and it was forbidden for Muslims to adhere.

Specifically for Al Washliyah scholars, Sheikh H.M. Arsjad Th. Lubis emphasized at the All-Indonesian Ulama Conference in 1957 as follows:

- a. Calling on Mukhtamar to issue a special fatwa on communism which explicitly states that it is anti-God and very dangerous for religious people.
- b. Determine actions in dealing with anti-God groups according to the consequences in Islamic law, for example concerning the law of marriage, inheritance, funeral, and others.

On the other hand, Masjumi also issued a fatwa through its Central Shura Council declaring in the Masyumi VII Mukhtamar on 3-7 December 1954 in Surabaya that communism according to Islamic law is *kufir*.

This fatwa was decided in Medan and signed by Ramli Abdul Wahid who is the Chairman of the Fatwa Council and Imam Yazid as Deputy Secretary. It was issued as a

response to the communist matter that is currently being discussed in society. The issue of the Communist Party of Indonesia (*Partai Komunis Indonesia*, or PKI) revival was once written in the *Profetik Jurnal Komunikasi*, stated that Communism was never obsolete in society. Quoted from *Kompas Daily* in early June 2016, Kivlan Zen, a retired Indonesian National Army (TNI) once emphasized that the PKI had formed a party structure from the Central to the Regional level, the party had even entered parliament and political parties.<sup>28</sup>

The issue even emerged from other national figures, such as Gatot Nurmantyo, and has become a topic at the Indonesia Lawyer Club (ILC) event with the theme, “PKI Hantu atau Nyata.” This issue is very lively in public and involves national figures. It was raised in scientific research at UIN (State Islamic University) Alauddin Makassar by Baiq Alya Insasi with the title “Analisis Wacana pada Program Indonesia Lawyers Club Episode: PKI, Hantu atau Nyata.” Interestingly, from the study, it is concluded that many defend the party with its communist views because it is innocent according to another historical version. Kivlan Zen stated that even though the party is no longer there, its ideology is still alive.

The issue of the Communism revival becomes a concern to the Al Washliyah Fatwa Council. Therefore, a special meeting was held for its discussion on April 1, 2017. The council subsequently decided that:

Communism is an anti-all religion ideology, therefore, one who follows communism with knowledge and awareness is an infidel. These two decisions show that the Fatwa Council confirms people who consciously follow this ideology as infidels. The Infidel in question are people who left Islam, thereby, they are obliged to say two sentences of the shahada when they want to return to Islam. Meanwhile, “people who follow Communism without knowledge and awareness are heretics.”<sup>29</sup>

The two words that the council made between Infidel and heretical seem to have different connotations. Should the emphasis be on infidels, the people who already understand communism with awareness and knowledge will need to return to Islam with the creed. However, the individuals are called heretics, when they have a communist ideology due to ignorance.

Nevertheless, the principle remains the same, that is, saying the *syahâdah* when people want to return to Islam. Suppose it is related to the fatwa regarding the heretical sect of the Indonesian Ulama Council (*Majelis Ulama Indonesia*, or MUI), the people who are declared heretics do not have to return to the Islamic faith, but only *ruju‘ ilia al-haq*, which is Islam’s true path. According to them, going astray is not necessarily infidel

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<sup>28</sup> Triyono Lukmantoro, “Menertawakan Fobia Komunis Di Era Reproduksi Digital,” 2017 1 (10AD), 50.

<sup>29</sup> See: Dewan Fatwa Al Washliyah, *Keputusan-Keputusan Dewan Fatwa Al Jam’iyatul Washliyah 1930-2020*, 111-118.

automatically because it could be due to a distorted understanding of Islamic teachings and principles. In the MUI fatwa, the heretics are measured by the heretical flow criteria, which have been formulated in 10 points in 2007 as follows:

1. Denying one of the six pillars of faith.
2. Believing in or following a creed that is not in accordance with the Qur'an and Sunnah.
3. Believing in revelation besides the Qur'an.
4. Denying the authenticity or truthfulness of the Qur'an.
5. Carrying out interpretations of the Qur'an that are not based on interpretation rules.
6. Denying the Prophet's Hadith as a source of Islamic teachings.
7. Insulting, harassing, or demeaning the Prophets and Apostles.
8. Denying the Prophet Muhammad as the last Prophet and Messenger.
9. Changing, adding, or reducing the points of worship determined by sharia, such as not engaging in the pilgrimage to Baitullah, or observing the obligatory prayers five times a day.
10. Disbelieving fellow Muslims without any *syar'i* reasons is like disbelieving them just because they are not in their group.<sup>30</sup>

Apart from the 10 criteria above, the MUI also has its SOP (Standard Operating Procedure) for handling heretical flows as set out in *Pedoman Penyelenggaraan Organisasi Majelis Ulama Indonesia*.<sup>31</sup>

Unlike the case with Al Washliyah, specifically, the criteria for infidels and heretical sects were not made or formulated systematically. However, the understanding of a heretical sect cannot be taken from Al Washliyah's fatwa method, which stated that Al Washliyah has *Ahl al-Sunnah wa al-Jamâ'ah* faith.<sup>32</sup> Also, the Al Washliyah creed written by Ramli Abdul Wahid mentioned that the *Ahl al-Sunnah wa al-Jamâ'ah* was the creed that was specifically formulated by Abû Hasan al-Asy'âri and Abû Manshur al-Matûridî. Subsequently, al-Baghdâdi formulated the beliefs agreed upon by *Ahl al-Sunnah* in *al-Farq bain al-Firâq*. There are 15 points, as previously mentioned.<sup>33</sup> Therefore, the criteria for heretical sects, deviations, and those that have reached disbelief are not formulated by the Fatwa Council in a standard way. However, looking at the organization's religious understanding as well as its Statutes and Bylaws, to determine a heretical or even disbelieving ideology is to refer to the books by ulema in the al-Shâfi'i school of thought.

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<sup>30</sup> Husnel Anwar Matondang and Sori Monang Rangkuti, *Kajian Dan Penelitian Tentang Aliran Sesat* (Medan: Manhaji, 2020), 2-3.

<sup>31</sup> Majelis Ulama Indonesia, *Pedoman Penyelenggaraan Organisasi Majelis Ulama Indonesia* (Jakarta: MUI, 2019).

Al Washliyah's Fatwa on Communism is present to reaffirm that the ideology of the PKI is Communism which is against Islam and anti-all religions. This ideology explicitly states that communism is dangerous. Unfortunately, Al Washliyah's fatwas always include recommendations later, but the Communist fatwas do not. The recommendations in this fatwa are important for suppressing communism to develop and grow again in Indonesia. Recommendations should be made to the government, especially in addressing the growing issue on the rise of the PKI, which is one of the reasons this fatwa was issued in response to these matters.

On the other hand, it cannot be denied that the leadership of an institution is very influential on the policies and directions of the organization they lead. As with fatwas, the chairman significantly influences the direction of its decisions. Like this Communist fatwa, the idea to publish it came from the Head of the Fatwa Council by showing writings on *Komunisme dan Mukhtamar Alim Ulama (Menyongsong Seminar Internasional Oleh Waspada)*, Monday 18 July 2016).<sup>34</sup>

In Ustaz Ramli's writings, the dangers of Communism and the decision of the 1954 Alim Ulama Conference in Surabaya on Communism were mentioned, the contents of which are:

1. It is obvious that the communism philosophy (historical materialism) contradicts the basic belief in the divine nature
2. The struggle and implementation of communism as a result of its philosophy throughout its history conflicted with the Islamic sharia law and adherents.
3. Based on all that has been said, it is clear that communism, according to Islamic law, is kufr.
4. Whoever adheres to communism with the understanding of awareness and belief in the correctness of communism, which is contradictory, opposed, and hostile to Islam, is considered an infidel.
5. A Muslim who follows the teachings of communism or a communist organization without understanding the awareness and belief of the philosophy, teachings or methods of their struggle is a misguided person. Such a person should be given an understanding of their error or disbelief in communism and needs to repent to Allah and return to Islam.

According to the contents, it could be concluded that it is not much different from the decision of the Fatwa Council. Therefore, by looking at these writings in *Waspada* and during the trial of the Fatwa Council, Ustaz Ramli's domination as Chairman of the council was evident in Al Washliyah's fatwa decisions, especially regarding communism.

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<sup>32</sup> Dewan Fatwa Al Washliyah, *Laporan Hasil-Hasil Sidang Dewan Fatwa Al Jam'iyatul Washliyah* (Medan: UMN Al Washliyah, 1998).

<sup>33</sup> Ramli Abdul Wahid, "Paham Keagamaan Al Washliyah" (Medan, n.d.).

<sup>34</sup> Ramli Abdul Wahid, "Komunisme Dan Mukhtamar Alim Ulama (Menyongsong Semiar Internasional Oleh Waspada," *Waspada*, July 18, 2016.

### **3. Fatwa on the Ahmadiyah Sect**

The fatwa on Ahmadiyah was issued in 2017 and is the second for that year. This was proposed by the Chairman of Al Washliyah Fatwa Council. This is because Ahmadiyah still existed in Indonesian society until that period. Even places of worship have also been concentrated in Medan city. The Council saw the need to issue the fatwa because it was worried that it would endanger the faith of Muslims in general and Al Washliyah residents in particular. The council can analyze it through argumentative arguments, by directly examining the original sources of Ahmadiyah books.

Mirza Ghulam Ahmad claims to be a prophet and messenger: (1) “Verily Allah has named me a prophet by His revelation.” (*al-Istifta’*, page 16), (2) “Indeed, I was called a prophet by the best human tongue” (*al-Istifta’*, page 66), (3) “And we did not send you except as a mercy to all the worlds” (*al-Istifta’*, page 81), (4) “Indeed, we have sent you as an apostle to bear witness over you, just as Pharaoh was sent as a messenger (*al-Istifta’*, page 86), (5) “Truly I am the apostle of Allah” (*Tazkirah*, page 486), (6) “O Ahmad, you have been made a messenger” (*Tazkirah*, p. 486), (7) “It is He who sent His messengers with guidance and religion with truth to win over all religions” (*Tazkirah*, p. 274, 387, 489, 628, 629).

The Fatwa Council does not only analyze the main books on the teachings of Ahmadiyah or those written by its people, but also follows the opinions as well as the fatwas of other institutions and community organizations about Ahmadiyah in Indonesia. For example, the fatwa of the Indonesian Ulama Council (*Majelis Ulama Indonesia*, or MUI) at National Conference II dated May 26 to June 1, 1980 AD, contained the contents of its decision: “According to the data and facts found in 9 books about Ahmadiyah, the Indonesian Ulema Council ruled that Ahmadiyah is a congregation outside Islam which misguides and misleads”. The MUI Fatwa Number: 11/MUNAS VII /15/2005 at the 2005 National Conference reaffirms the MUI fatwa in 1980, which stated that the Ahmadiyah sect was outside Islam, heretical, and misleading. Hence, Muslims who followed it were apostate.

Al Washliyah’s fatwa decision on this matter is as follows: 1) The Ahmadiyah sect does not follow Islamic religious teaching and is heretical or misleading. 2) Muslims who follow the teachings of Ahmadiyah are out of Islam (Apostasy). Recommendations from Al Washliyah asked the Indonesian government to disband the Ahmadiyah Congregation in Indonesia because its presence could disturb the peace/harmony of religious communities and the stability of the state. Moreover, the police were requested to regulate all their activities from the Central to the Regions in order to maintain the conduciveness of society. Meanwhile, the Muslims who have already joined the sect were obliged to immediately return to the true teachings of Islam by saying two sentences of creed.<sup>35</sup>

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<sup>35</sup> See: Dewan Fatwa Al Washliyah, *Keputusan-Keputusan Dewan Fatwa Al Jam’iyatul Washliyah 1930-2020*, 119-126.

As usual, Al Washliyah's fatwa ended with a paragraph closing sentence, "Therefore, this Fatwa Decision is issued with the provision that should there be errors or matters deemed necessary in the future, they will be refined accordingly." Although, this concluding sentence does look simply, however, its analysis is an opportunity to correct or enhance the fatwa when there is an error or it is necessary to improve either the sentences, words, or even the arguments used. It is true that in the decisions of the council, the fatwa process is very accurate, starting with the presence of a drafting team which is usually the Secretary and Deputy. The draft which has been prepared and discussed in detail is read from the beginning of the making to the dictum of the verdict. At that time, the discussion between participants and the chairperson of the fatwa trial before all ended was decided jointly. Even though it is as detailed as the process, the Fatwa Council still opens up opportunities for improvement when something is still wrong or needs development.

According to the fatwa on Ahmadiyah issued by the Al Washliyah Fatwa Council, the dominant arguments are referred to in a book written by Ramli Abdul Wahid, entitled *Kupas Tuntas Ajaran Ahmadiyah*.<sup>36</sup> This is seen from the various excerpts of the arguments contained in the fatwa decision which are the same as Ramli's writings. Furthermore, the Fatwa becomes a reference in the field of faith that Ahmadiyah is not Islam. In other words, people who adhere to its creed have apostatized (*murtad*) (left) from Islam and are required to say the shahada when they want to return to Islam.

This fatwa is very strict, without tolerance. In matters of faith, Al Washliyah does not have bargaining terms. The fatwa regarding Ahmadiyah was also decided by the MUI in 1980 with this result, "According to the data and facts found in nine books about Ahmadiyah, the Indonesian Ulema Council issued a fatwa that Ahmadiyah is a congregation outside Islam, heretical, and misleading."<sup>37</sup> Furthermore, the fatwa was strengthened again in 2005. Its contents reaffirmed the MUI fatwa at the 1980 National Conference which concluded that the Ahmadiyah sect was outside Islam, heretical, and misleading.

## Conclusion

It can be concluded that the Al Washliyah Fatwa Council explicitly stated that Muslims are forbidden to vote for leaders who are not believers. It was also concluded that communism is anti-religious, therefore, when someone becomes a communist based on knowledge and awareness, they become a disbeliever (infidel). Furthermore, the teachings of the Ahmadiyah sect are not of Islamic religion, but heretical and misleading, hence, Muslims become apostatized when they follow the teachings. This shows that Al Washliyah's religious views on these three themes have not changed. Since long ago, the organization has

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<sup>36</sup> Ramli Abdul Wahid, *Kupas Tuntas Ajaran Ahmadiyah* (Medan: Perdana Publishing, 2011), 55.

<sup>37</sup> Majelis Ulama Indonesia, *Kumpulan Fatwa Majelis Ulama Indonesia* (Jakarta: Emir, 2015).

firmly rejected non-Muslims as leaders as well as communism and Ahmadiyah. This is because it is based on the *Ahl al-Sunnah wa al-Jamâ'ah* faith in the field of faith and the Shâfi'iyah school of thought in the field of jurisprudence. In addition, Al Washliyah is still very consistent with these two schools and there is no reinterpretation of its beliefs regarding non-Muslims as leaders, communism, and Ahmadiyah.

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