

# Muhammadiyah's Fatwa about *Hewan Kurban* in 2005: A Study on Muhammadiyah's Method in Producing Fatwa

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## ABSTRACT

*The Majelis Tarjih of Muhammadiyah had issued a fatwa about hewan kurban (slaughtered animal for Id al-Adha) in 2005. The fatwa asked Muslims to prioritize their money to support and aid sufferers of natural disaster in Aceh and other places. The fatwa is controversial because it produces new form of Idul Adha. This article aims to explore the method used by the Majelis Tarjih in issuing the fatwa and how this religious opinion shapes a new form of a holiday (Idul Adha) religious observance.*

*Keywords: Fatwa, Controversial, Majelis Tarjih, Muhammadiyah,*

## ABSTRAK

Dewan Tarjih Muhammadiyah mengeluarkan fatwa tentang hewan kurban (hewan yang disembelih untuk Idul Adha) pada tahun 2005. Fatwa itu menyarankan umat Islam untuk memprioritaskan uang mereka untuk mendukung dan membantu para penderita bencana alam di Aceh dan tempat-tempat lain. Fatwa itu menuai kontroversi karena seolah-olah membuat ritual Idul Adha yang berbeda. Artikel ini bertujuan untuk mengeksplorasi metode yang digunakan oleh Majelis Tarjih dalam mengeluarkan fatwa dan bagaimana pendapat keagamaan ini menyebabkan bentuk perayaan keagamaan baru (idul adha).

*Kata kunci: Fatwa, Kontroversial, Majelis Tarjih, Muhammadiyah,*

## INTRODUCTION

The position of fatwa<sup>1</sup> (religious opinion) in Muhammadiyah, one of the biggest Islamic organization in Indonesia, is significant. The fatwas represent religious character of Muhammadiyah. Although the fatwas do

not bind Muhammadiyah members, they significantly influence religious orientation of its members. Consequently, the fatwa would influence the image of the organization and religious preference of its members.

In 2005, the Majelis Tarjih (the council in Muhammadiyah that has authority to release religious opinion) issued a fatwa about *hewan kurban* (slaughtered animal for *Id al-Adha*). The fatwa asked Muslims to prioritize their money to support and aid the sufferers of Tsunami<sup>2</sup> in Aceh.<sup>3</sup> Certainly, the fatwa is controversial, since it produces new form of *Idul Adha* celebration and observance. Usually the holy day (*Idul Adha*) is celebrated by slaughtering certain animals such as goats, buffaloes, and beefs.

This article aims to explore the method used by the Majelis Tarjih in issuing the fatwa. It specifically elaborates the influence of hermeneutics in the fatwa. As widely known, in this period the Majelis Tarjih was led by Muhammadiyah scholars who are often associated with hermeneutics as their interpretational method.

#### FATWA IN MUHAMMADIYAH

The Majelis Tarjih is the institution within Muhammadiyah that issues fatwa. There are three types of religious opinion produced by the Majelis Tarjih.<sup>4</sup> The first is *Keputusan Tarjih* (*Tarjih Decision*). It is formulated by the National Tarjih Conference that is attended not only by Ulama and scholars from Muhammadiyah, but also from outside Muhammadiyah. The Tarjih Decision is produced collectively by a forum, and then discussed and considered officially by center board (Pimpinan Pusat/PP) of Muhammadiyah. Therefore the *Tarjih Decision* binds Muhammadiyah as an organization. Furthermore, all institutions under Muhammadiyah and also its activists and members must refer and follow the decision. The second is fatwa. It is constructed by the Majelis Tarjih as well. In many cases the fatwas are formulated collectively by the members of the council, but sometimes only by one or two members.<sup>5</sup> Unlike Tarjih Decision, fatwas do not bind institutions and the members. It is only regarded as guidance. Fatwas are issued to respond questions asked by someone. Hence it might be related to ritual problems such as *salat*, *zakat*, and pilgrimage, and sometime concerning social, economical, and political problems. The field of fatwas as mentioned above depends on the questioners or so called *mustafti'*. The third is *Wacana Tarjih*. It is formulated and provided by the Majelis Tarjih to broaden the discourse within Muhammadiyah schol-

ars. As explained by Anwar:

*“In contrast to a keputusan and a fatwa, both of which constitute a formal opinion, the former binding and the latter persuasive, wacana tarjih represents ideas, thought, or opinions concerning contemporary issues adduced and brought to the fore by the Majelis Tarjih. This third kind of tarjih resolution is aimed at making Majelis Tarjih more dynamic and developing Islamic thought in Muhammadiyah circles in order to be able to anticipate and deal with various contemporary issues.”<sup>6</sup>*

The *Wacana Tarjih* is begun in 2000s when the Majelis Tarjih was led by Amin Abdullah.

Anyway, the position of fatwa within Muhammadiyah is significantly important. It is given by the Majelis Tarjih. The council consists of authoritative Muslim scholars. They are ulama and scholars graduated from Islamic and social studies.<sup>7</sup> Their individual competence makes them authoritative in issuing fatwas. That is why, although the fatwas do not bind the organization and the members, they colour the development of Muhammadiyah's nature. The conservative image, for instance, that is associated to Muhammadiyah is caused by fatwas that tend to respond ritual problems puritanically more than modernity issues. As mentioned by Azyumardi Azra, Muhammadiyah is less responsive to social contemporary issue than traditionalist organization do.<sup>8</sup> It shows that the fatwas represented religious character of Muhammadiyah.

### **The Fatwa on *Hewan Kurban***

In 2005, the Majelis Tarjih has issued a fatwa about *hewan kurban*. The council called Muslims to change *hewan kurban* to become financial aid for the victims of Tsunami. Here is the detailed fatwa:

*“Bagi yang mampu untuk memberikan bantuan kepada mereka yang terkena musibah gempa bumi dan tsunami secara memadai dan sekaligus dapat melaksanakan ibadah qurban, dua macam ibadah ini dapat dilaksanakan secara bersama. Bagi yang harus memilih salah satu di antara dua macam ibadah tersebut di atas, hendaknya didahulukan memberi bantuan dalam rangka menyelamatkan kehidupan mereka yang tertimpa musibah dari pada melaksanakan ibadah qurban. Jika dana telah diserahkan kepada Panitia Qurban, hendaknya Panitia meminta kerelaan calon orang yang berqurban (shahibul qurban) untuk mengalihkan dananya kepada bantuan penyelamatan*

*mereka yang tertimpa musibah gempa bumi dan tsunami. Namun jika calon shahibul qurban tidak merelakan, dana itu tetap sebagai dana ibadah qurban." Wallâhu a'lam bi assawâb.<sup>9</sup>*

For Muslims who are able to give proper aid to the victims of earthquake and *tsunami*, and also to do act of worship of *hewan kurban*, they can implement both of these acts of worship simultaneously. For those who have to select one of the two kinds of worship, they should choose the first, namely to give finance aid to the victims. It is meant as to preserve the live of the victims. If the money has been given to committees of *kurban*, the committees should ask their willingness to switch the money to support the solving program for the sufferer of the earthquake and *Tsunami*. Yet, if the contributors of *hewan kurban* do not allow it, the money should be used for *hewan kurban*. Allah knows the best.<sup>10</sup>

The fatwa means to prioritize a real aid for the victims. Since *hewan kurban* is not as important as money in recovering the destruction in the area. Moreover they more need primary food than the meats from *hewan kurban*. Anyhow, the real aid is financial support that would be used by the government and other connected groups that were involved in the program.<sup>11</sup> Since the government need much money to reconstruct not only the buildings and other infrastructures, but also psyche of the people. The meats given from *hewan kurban* would only be consumed in couple days, whereas the real problems would not be solved at all. That is why the fatwa was issued.

Based on the preface of the formal announcement (*Maklumat*) of Muhammadiyah, the council has considered several aspects related to the fatwa. The main objective of sharia (*maqâsid al-sharî ah*), which is to preserve human live, dominated the consideration of issuing the fatwa.<sup>12</sup> The disaster that occurred in Aceh and other locations of Indonesia was the social context where the fatwa was issued. The disaster has destroyed public service buildings such as hospitals, banks, schools, and markets. It disturbs people to get service related to their necessity. Those infrastructures are very significant, since it is connected to primer necessary.

This kind of situation is a social context that is a background of the fatwa. The background can be seen in the preface of Maklumat PP Muhammadiyah:

*"Dengan terjadinya gempa bumi dan tsunami di Propinsi Nanggroe Aceh*

*Darussalam dan Propinsi Sumatera Utara, yang mengakibatkan korban jiwa dalam jumlah yang sangat besar demikian pula harta yang belum terkira banyaknya. Mereka yang selamat dari maut dalam bencana ini, pada umumnya rumah dan harta lainnya hancur, rusak dan hanyut, sehingga boleh dikatakan mereka tidak lagi memiliki harta sedikitpun. Dapat dibilang mereka sangat payah jika tidak mungkin disebut tidak memiliki kemampuan lagi untuk berupaya mencari rizki demi menyambung kehidupannya. Sementara infra struktur yang ada di daerah yang terkena musibah ini mengalami kerusakan yang amat berat, sehingga akan lebih membuat mereka semakin tidak berdaya untuk mempertahankan hidup dengan mandiri. Hanya bantuan dari orang lain yang dapat diharap akan membantu untuk menyelamatkan jiwanya".<sup>13</sup>*

The earthquake and tsunami that occurred in Province of Nanggroe Aceh Darussalam and North Sumatera have resulted many people death and lost their properties. Most of those who are saved from the disaster have been lost their houses and other properties. Theirs are damaged and brought by the flood. It can be said that they really don't have any properties. Furthermore, they are weak and hopeless. They are almost incapable to get money for survival. This condition makes them unable to find back their belongings and to continue their life. At the same time, infrastructures in this area have been damaged significantly, so it makes them much more difficult to survive independently. Aid or financial support from other people is the only one that can help them to preserve their live.<sup>14</sup>

The background and the aim to save the life can be categorized as the main objective of sharia (*maqâsid al-sharî ah*). The fatwa issued by Muhammadiyah seeks to interpret the contextual meaning of *hewan kurban* worship in *Idul Adha*. Muhammadiyah wants to catch up the relevant aim of the worship. Since worships are a frame that covers and symbolizes the real meaning of sharia. Those rituals are meaningful when they are transformed to particular context.<sup>15</sup> In this term the fatwa seeks to place the worship of *hewan kurban* in disaster condition.

### 1. *Maqâsid al-Sharî ah in the Fatwa*

It is obvious that *maqâsid al-sharî ah* is explained in the fatwa of *hewan kurban* issued by the Majelis Tarjih. According to the council, to preserve

the life of victims is obligated by sharia. In the preface of the fatwa it is said:

*"Ibadah dalam Islam ada yang dihukumi wajib dan ada yang dihukumi sunah. Di antara yang dihukumi wajib yaitu menyelamatkan jiwa yang terancam kematian. Kehidupan adalah salah satu dari lima kemaslahatan dlarury, yang oleh karenanya harus dijaga dan dipertahankan keberadaannya dengan segala kemampuan yang ada. Jika seseorang tidak mampu berupaya untuk mempertahankan hidupnya, maka wajib bagi orang lain untuk memberikan bantuan dalam mempertahankan hidup orang yang tak berdaya itu. Perbuatan membantu menyelamatkan jiwa orang lain mendapatkan penghargaan dari Allah swt sebagai penyelamat kehidupan seluruh umat manusia." Sebagaimana dijelaskan dalam al-Qur'an surat Al Maidah/ 5: 32.<sup>16</sup>*

The position of worship in Islam can be categorized as compulsory (*wajib*) and recommendable (*sunnah*). One of the compulsory acts of worship is to save human live whom are threatened. Live is one of the five necessary matters (*kemaslahatan dharury*). Therefore it is obligated by God to save live. Muslim should seek to do it maximally. If someone is unable to save himself, others are obligated to help him. The act to help a person to save live is rewarded by God as preserving all of human life worldwide, as mentioned in *Qur'an Al-Mâidah/ 5: 32*.<sup>17</sup>

The fatwa explains that to save life is one of the five necessary matters that are mentioned in the main objective of sharia (*maqâsid al-sharî ah*). According to Shatibi as quoted by Fathurahman Djamil, those five principles are the preservation of religion (*al-din*), life (*al-nafs*), reason (*al-'aql*), offspring (*al-nasl*), and property (*al-mâl*).<sup>18</sup> To preserve life is the second point of the goals. Relating to the concept of *maqâsid al-sharî ah*, the preface of the fatwa explains that preserving life is a reason behind the fatwa. The statement says that to help one person is rewarded as to help whole people in the world.

The concept of *maqâsid al-sharî ah* is crucial in understanding sharia itself. It occurred in *usûl al-fiqh* (Islamic legal theory) discipline that attempts to formulate Islamic jurisprudence.<sup>19</sup> The concept guided Ulama how to construct the jurisprudence. It also can be implemented in exploring the contemporary aim of sharia. That is why the concept makes the interpretation of sharia become flexible and progressive. It does not mean that the concept will change the sharia that is represented by rituals such

as *salât*, fasting, pilgrimage, and *hewan kurban*. Since the sharia is sacred. It is commanded by God. Muslims should obey and implement it. Yet, the virtue of the worships does not lie in itself. Muslims need to elaborate the *hikmah* or lesson from them. In this context, the importance of *maqâsid al-sharî ah* is significant. The concept would assist Muslims to know the essence of worship.

However, the fatwa does not mean to eliminate the sharia of *hewan kurban* in *Idul Adha*. It just emphasizes the urgency to help the victims of disaster.<sup>20</sup> That is why the fatwa gives three choices. The first, for Muslims who are able to contribute both *hewan kurban* and financial support for the victims, they could conduct them simultaneously. The second, if they have to choose, they should select the financial support rather than the other. The third, if they have given the money to the committee that is pretended to be *hewan kurban*, the committee should ask their willingness to switch the pretension for financial support. Yet, if they do not allow it, the committee has to obey them. Those choices do not show that the fatwa advice or command Muslims to change the sharia.

## 2. Istislah Method

According to Nadirsyah Hosen *istislah* is the basis of *maqâsid al-sharî ah*.<sup>21</sup> The use of *istislah* means that Muhammadiyah accepts *maqâsid al-sharî ah*. *Istislah* is one of three methods used by Muhammadiyah in performing *ijtihad*. The first is *ijtihad bayani*, the second is *ijtihad qiyasi*, and the last is *ijtihad istislahi*.<sup>22</sup> The *bayani* method is based on text. Reason is used only to give further and detailed explanation. And the *qiyasi* uses analogical reasoning. It still refers to the text by finding same '*illah* (reason or cause) between new problems that are not yet explained and the issue that is mentioned in the Quran.

*Istislah* is used when the problem issued has not been yet explained by *Qur'an* and the *Sunnah*. That is why the use of reason dominates rather than other methods. Relating to this explanation, Muhammadiyah believes that Muslims are allowed to do *ijtihad*.<sup>23</sup> This position is quite different with other organizations which come from traditionalist or Shafi'i school of law. They prohibit *ijtihad*, since the products of previous Ulama is qualified enough. Moreover, they argue that in this time there are no such Ulama whose competence and capability are same with the medieval Ulama.

However *istislah* implemented by Muhammadiyah in issuing fatwa shows that *ijtihad* is urgent. Furthermore Muhammadiyah state that *taklid* is forbidden).<sup>24</sup> *Taklid* is defined by Muhammadiyah as following one of the schools of law (*madhhab*) without critical understanding. The *taklid* is seen as the obstacle for Muslim to find new meaning and understanding about a text, whereas *Ijtihad* is believed as the gate to explore the contextual and contemporary understanding of the text. From the early time of its emergence, Muhammadiyah laid *ijtihad* as the most important factor that should be developed by Muslim.<sup>25</sup> Therefore Muhammadiyah established many modern educational, economic, and social institutions that are contemporary interpretation of *Quran*. Anyhow the use of *istislah* needs other tools such as sociology, biology, economic science, and medical science. To do *ijtihad istislahi*, Muhammadiyah invites scholars who are expert in each field. It can enrich the process of formulating contextual Islamic jurisprudence.

Muhammadiyah's fatwa concerning *hewan kurban* shows how Muhammadiyah defines the objective of sharia and determines the *maslahah*. The disaster that happened in Aceh and North Sumatra is a background that led Muhammadiyah to examine about the influence of Islamic teaching in that condition. The preserving life in the context is urgent, and it is kind of *maslahah*.

### ***Istislah* in Muhammadiyah's Fatwas**

According to Nadirsyah Hosen, although Muhammadiyah is described as anti-*madhhab*, by which is meant that it refuses to accept or follow strictly any school, the organization will accept opinions of the schools as long as they are founded upon the *Qur'an* and the *Sunnah*.<sup>26</sup> Moreover Muhammadiyah has never produced a formal and strict method for issuing a fatwa.<sup>27</sup> However this does not mean that its fatwas are never based on a method or on Islamic legal theory.<sup>28</sup> According to Muhammadiyah the role of reason (*'aql*) in dealing with contemporary *fiqh* problems is significant, as long as they relate to worldly matters. However this does not mean that Muhammadiyah prefers to use reason freely.<sup>29</sup> Anyway, *istislah* is considered to be the basis for legal decision.<sup>30</sup>

As explained above, Muhammadiyah often performs *ijtihad* based on *istislah* method. Referring to the paper presented by The Central Board of Muhammadiyah Majelis Tarjih entitled "The Brief *Ijtihad* Methods that have

been used by Majelis Tarjih Muhammadiyah” in The Guidelines of the Majelis Tarjih Conference, Muhammadiyah believes that public interest (*maslahah al-‘ammah*) should be taken into account in worldly matter (*al-‘umûr ad-dunyâwiyyah*).<sup>31</sup> Accordingly, the role of reason in dealing with *mu‘amalah* problems is significant.<sup>32</sup> According to Djamil:

*Imam Malik himself, who was regarded as the founding father of this method, required three conditions. Firstly, the maslahah should be reasonable (ma‘qûl) and suitable (munâsib) to the case that is to be decided. Secondly, the aim of maslahah is to preserve the necessity (darûrî) and to prevent or eradicate hardship (raf‘u al-haraj) by avoiding injury (madarraḥ). Thirdly, it should not contradict the objectives of the sharia (maqâsid al-sharî ah). The Muhammadiyah has tried to apply the method of istislah to several contemporary questions, such as in vitro fertilization and organ transplants. In the case of the former, the Muhammadiyah decided that, as long as the semen is from the husband himself, in vitro fertilization is permissible in Islam.*<sup>33</sup>

Furthermore Djamil says that “the reason according to the Muhammadiyah is that the *Quran* and the *Hadits* do not rule on this case explicitly, so on the basis of the principle of *maslahah*, it is permissible. In this case *maslahah* for the Muhammadiyah is considered to be necessary matters (*al-maslahah al-darûriyyah*), i.e. to preserve the offspring (*hifdh al-nasl*)”.<sup>34</sup>

Organizationally, implementing *istislah* method is not common, particularly in Indonesian Islam context. It tends to be used by Muhammadiyah and not by other. To see how far *istislah* is used in Indonesian Islam I will refer to M.B. Hooker. In his book entitled *Indonesian Islam: Social Change through Contemporary Fatâwâ*,<sup>35</sup> Hooker said that there is different view between Muhammadiyah and Nahdhatul Ulama in responding several problems related to (a) the modern transaction such as sale, sale with promise to repurchase, security, rent, hire, pawn, mail order purchase, buying, sight unseen, and coin and money in the form of notes and cheques. (b) Banks and interest-based banking, and (c) insurance. According to Hooker, Muhammadiyah’s fatwas are based on social benefit (*maslahah al-‘ammah*) consideration, whereas NU’s fatwas are based on *Fiqih* text.<sup>36</sup> The description about the fatwas from those organizations represent different product. Certainly the products have significant influence to the development of Indonesia. In certain extent, I see that

Muhammadiyah relatively more support to government policies related to modernization of Indonesia than NU did, especially during the early time of its emergence (1912) until 1980s. The main factor, as mentioned by Hooker, is the method used by both organizations.<sup>37</sup> However, *Fiqh* texts were constructed and produced within certain contexts. Therefore, those who are using *Fiqh* in responding contemporary social-economical problems do not mean that they will automatically avoid the context. They can learn the context from each classical and medieval *fiqh* text. This kind of method is able to enrich and enlarge the perspective insight. The fact showed by Hooker that *Fiqh* is the factor determining NU become more conservative is not fully sufficient. The method can make a fatwa become either conservative or progressive. It depends on how they use *fiqh* texts. It can be seen from recent development of NU. They can reinterpret and develop classical and medieval *fiqh* to be compatible with modernity. It especially occurs since Abdurrahman Wahid's leadership. He promotes new method in interpreting *fiqh*, which is based on public interest (*maslahah al-'āmmah*). The implementation of *istislah* marks the role of dynamization of Muhammadiyah. Although some times it also leads to be conservative due to the preventive reason as mentioned by Djamil concerning interreligious marriage,<sup>38</sup> *istislah* is the proper method to contextualize the meaning and message of Islamic doctrines within contemporary society.

### **Hermeneutics and *Istislah***

It is obvious that Muhammadiyah formally performs *ijtihad* based on *istislah* method. For me, in certain extent, *istislah* has similarity with hermeneutics. Of course, they are different. However, both of them tend to interpret and produce contextual meaning of a text. This tendency enables some of Muhammadiyah scholars to develop hermeneutics in formulating fatwa. It occurred especially when the Center Board of Majelis Tarjih was led by Amin Abdullah.<sup>39</sup> He is not alone in the Majelis Tarjih, there are also some Muhammadiyah scholars who have same tendency such as Munir Mul Khan and Syamsul Anwar. In addition, other Muhammadiyah progressive scholars like Syafii Maarif, Moeslim Abdurrahman, Amien Rais and Hamim Ilyas perform hermeneutics methods in interpreting Islamic doctrines, though they do not mention their tool explicitly. They are often called as liberal or progressive wing of Muhammadiyah.<sup>40</sup>

Hermeneutics is a new discourse in Indonesian Islam. Its emergence was introduced by progressive scholars such as Fazlurrahman, Mohammed Arkoun, Nasr Hamid Abu Zayd, and Mohammad Abid al-Jabiri. Indonesian Muslim scholars develop their thought and method. Since the middle of 1990s there are many books discussing hermeneutics. Hence hermeneutics does not merely develop in Muhammadiyah scholars. It is also adopted by others. Nurcholish Madjid and Abdurrahman Wahid are few of the examples.

Hermeneutics is a philosophical method that is used to interpret and understand a text.<sup>41</sup> Since a text is produced in certain time and context, so the author has his own meaning in writing. Hermeneutics seek to mediate the gap between the reader and the context when the text was written.<sup>42</sup> In addition, it is necessary to know the social, political, and cultural situation where the author wrote the text. It will help the reader to understand the meaning of the text better.

So far hermeneutics is often used to elaborate the contextual meaning of sacred texts such as Bible and the *Qur'an*. Yet the use of hermeneutics is controversial, especially in Islamic world, for the reason that it tends to deconstruct the textual meaning of text.<sup>43</sup> Actually, it is a consequence of interpreting text contextually. Such interpretation tries to return the text to its time of origin, in order to find its original meaning. And then it is brought to the recent time, to get its contemporary meaning. Moreover, hermeneutics needs modern science such as sociology, anthropology, and historical science. In hermeneutics, to understand the contemporary context of text such as social, cultural and political situation is important. It will help the interpreter in producing the new meaning of the text. It is possible that the interpretation produced from this method will leave the textual meaning. But it does not mean that the method leads the interpreters to neglect and eliminate the text.

Basically, a text is a product of culture.<sup>44</sup> The *Qur'an* which is the revelation of God documented within text was produced by causes and events, which is in *'ulûm al-Qur'an* called as *asbâb an-nuzul*. Relating to that thesis, Abdullahi Ahmed an-Na'im distinguishes between verses revealed in Mecca and Madina period. According to an-Na'im, the verses in Mecca consist of ideas of universal humanity values that are not limited by religious identity, whereas Madina's verses explain about law and Islamic jurisprudence.<sup>45</sup> In other word, the different nature of both periods is

caused by social and political context.

In hermeneutics approach, religious texts are not revealed in an empty space.<sup>46</sup> It was produced in an area where social problems happened, so the texts were constructed culturally and historically. If any interpreters neglect the social-cultural context of the texts, they will be alienated from its message. Therefore the meaning of the texts is not universal and permanent. It is dynamic. The verses explaining about heritage, for instance, according to Al-Jabiri, represented the interaction between text and reality.<sup>47</sup> Before Islam come, Arabic society had marriage tradition inter-tribes to establish connection and relationship among those tribes. Unfortunately it resulted in conflict. Since, when wives got the heritage from their parents, it would belong to their husband. Thus the property would accumulate to husbands' tribe. It stimulated jealous and conflict among them. That was why Arabic society eliminated the right of heritage for women. When Islam emerged, it considered this social context and the right of women. Islam decided to give the heritage for women (daughter) with half proportion of men (son).<sup>48</sup>

This kind of perspective is offered by hermeneutics. For Farid Essack, hermeneutics can be defined as a science that seeks to describe how a word, text, and event that occurred in the past can be understood and meaningful existentially in recent time.<sup>49</sup> Furthermore Essack says that hermeneutics want to mediate the gap between the past and the current condition. Texts, for hermeneutics, are viewed dependence. There is close relation between the revelation process, language, content, and community that consume texts.<sup>50</sup> Hence texts were produced within crucial struggle with certain communities' problems. The texts are not universal. They represent certain cultures as seen in Qur'anic texts that are dominantly colorized by Arabic culture. In addition, Moeslim Abdurrahman says that to produce a new and relevant meaning of Qur'anic texts, it is important to know and understand the current social context.<sup>51</sup> Moreover Moeslim asserts that recent social context should be read first before reading the texts. It will lead the interpreter to the responsive meaning.

### **Hermeneutics in the Fatwa of *Hewan Kurban***

The fatwa issued by the Center Board of Majelis Tarjih Muhammadiyah is very progressive, because it advices Muslims to switch *hewan kurban* to be financial support to maintain the victims of disaster. Moreover the

fatwa mentions that it will be better for Muslims to prioritize helping the sufferers by real contributions.<sup>52</sup> Although in the preface of fatwa is not mentioned about hermeneutical approach, the mind set behind the fatwa can be traced. Furthermore, the members of Majelis Tarjih were dominated by progressive scholars such as Amin Abdullah, Hamim Ilyas, Syafiq Mughni, and Munir Mulkhan who often used hermeneutics.<sup>53</sup>

They reinterpret the objectives of shariah in disaster context. According to their opinion, slaughtering *hewan kurban* as an act of worship in *'Idul Adha* is not an obligation.<sup>54</sup> It is a symbol that covers a complicated and sophisticated meaning. For them, the emergence of Islam (religion) is related to social problems.<sup>55</sup>

In addition, the Prophet Muhammad came to eliminate the slavery gradually and support the oppressed people. Islam is not ritual religion that appreciates rituals as the highest virtue. Therefore to give financial support to the sufferers is better than to participate in the worship of *hewan kurban*. In other word the religiosity or piousness is measured by actions to help the neediness and sufferers.

The fatwa can be seen as an attempt to reinterpret the text of worship "*Kurban*". Etymologically, the term of *kurban* is meant as to close (*qaraba-yaqrabu*). Based on this term, the ritual symbolizes Muslims who sacrifice their property to get a closer relationship with God. Animals in the early time of Islam were classified as the property that marked the richness. However, the fatwa does not mean to eliminate the worship of *hewan kurban*. It just produces the new meaning that responds to the current situation. It had brought "the text" to the early time of its "writing" to find the relevant interpretation and objective, and then brought it again to current context to produce the relevant meaning with contemporary condition.

## CONCLUSION

Muhammadiyah's fatwa on *hewan kurban* is progressive and controversial. Since the fatwa tends to avoid the act of worship of *kurban*. Some Ulama questioned the fatwa, especially *Majelis Ulama Indonesia* (MUI). The scare of Ulama is that the fatwa would neglect shariah. It can be seen as their awareness to liberal Islam's thought that occurred since the early 2000s. So far liberal Islam is associated with organizations or thinkers who promote substantial Islam which tend to neglect the classical and

medieval shariah.

The fatwa shows that Muhammadiyah has progressive interpretation about rituals. It passes beyond the symbol. Although Muhammadiyah believes that the worship of *kurban* is important part of religion, Muhammadiyah has contextual meaning. Moreover Muhammadiyah clearly states that Muslims should prioritize the financial support rather than *hewan kurban* to help the sufferers of disaster.

This progressive fatwa is a result of method used by Muhammadiyah that asks the interpreter to understand the context of the worship. As explained above that the early time of its emergence, the worship of *kurban* was relevant with its context. Yet after centuries, the worship may be not too relevant. It does not mean that Muslims are allowed to eliminate the worship. Muhammadiyah reinterpret the worship by understanding the current context. Muhammadiyah's fatwa about *kurban* does not ask Muslims to leave the ritual. It demands them to translate the ritual in line with the social reality.

The religious argument used by Muhammadiyah is based on the objectives of sharia (*maqâsid al-shari'ah*). It considered that to preserve life is the main aim of sharia. *Istislah* is believed as the basis of *maqâsid al-shari'ah*. From the early time, Muhammadiyah has implemented *istislah* as one of the methods in performing *ijtihad*. In context of fatwa *hewan kurban*, hermeneutics, in certain extent, has also influenced the process of *ijtihad*. However, the paper has limitation of sources to elaborate more about how far the role of hermeneutical approach in the fatwa of *hewan kurban*. In certain extent, the paper found the nature of hermeneutics in the fatwa. Since the fatwa interprets the contextual need of the worship. Anyhow fatwa implicitly asserts that the public interest is the important point that is emphasized by Islam.

#### ENDNOTES

- <sup>1</sup> Fatwa is religious opinion on law that is not legally binding, but it has great influence on Muslims' faith, ritual, and social life (see Mohammad Syifa Amin Widigdo, "The Power of Fatwa in Indonesia: An Analysis of MUI's Controversial Fatwâs," in *Afkaruna*, 14, 2 (2018).
- <sup>2</sup> Tsunami is giant wave deriving from ocean coming into land. This natural disaster is commonly caused by earthquake or volcanic eruptions.
- <sup>3</sup> Number of Tsunami victims in Aceh are the highest among other islands or countries.

- 4 Syamsul Anwar, "Fatwa, Purification and Dynamization: a Study of Tarjih in Muhammadiyah", in *Journal of Islamic Law and Society*, 12, 1 (2005): 33-39.
- 5 Syamsul Anwar, 36.
- 6 Syamsul Anwar, 38.
- 7 Ahmad Jainuri, *The Formation of the Muhammadiyah's Ideology, 1912-1942* (Ph.D Thesis, McGill University, 1997), 101.
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- 18 Fathurrahman Djamil, "The Muhammadiyah and the Theory of Maqâsid al-Sharī ah", in *Studia Islamika*, 2, 1, (1995): 60.
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- 20 M Hilali Basya, "Semiotika Bencana dan Idul Adha", in *Kompas*, 20 January 2005.
- 21 Nadirsyah Hosen, "Revelation in a Modern Nation-State: Muhammadiyah and Islamic Legal Reasoning in Indonesia. *Australian Journal of Asian Law* 4, 3, (2002): 238.
- 22 Fathurrahman Djamil, "The Muhammadiyah and the Theory of Maqâsid al-Sharī ah", 61.
- 23 Fathurrahman Djamil, *Metode Majelis Tarjih Muhammadiyah* (Jakarta: Logos Publishing House, 1995), 158-159.
- 24 Nadirsyah Hosen, "Revelation in a Modern Nation-State: Muhammadiyah and Islamic Legal Reasoning in Indonesia", 236.
- 25 Fathurrahman Djamil, *Metode Majelis Tarjih Muhammadiyah* (Jakarta: Logos Publishing, 1995), 159.
- 26 Nadirsyah Hosen, "Revelation in a Modern Nation-State: Muhammadiyah and Islamic Legal Reasoning in Indonesia", 237.
- 27 Fathurrahman Djamil, *Manhaj Istimbat Hukum dalam Muhammadiyah*, paper presented at Raker Majelis Tarjih PWM DKI Jakarta, 30 November 1997.
- 28 Nadirsyah Hosen, "Revelation in a Modern Nation-State: Muhammadiyah and Islamic Legal Reasoning in Indonesia", 237.
- 29 Fathurrahman Djamil, "The Muhammadiyah and the Theory of Maqâsid al-Sharī ah."
- 30 Ahmad Azhar Basyir, *Refleksi atas Persoalan Keislaman* (Bandung: Mizan, 1994).

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- 32 The Central Board of Muhammadiyah Majelis Tarjih, "The Brief Ijtihad Methods that have been used by Majelis Tarjih Muhammadiyah," 21.
- 33 Fathurrahman Djamil, "The Muhammadiyah and the Theory of Maqâsîd al-Sharî ah", 64.
- 34 Fathurrahman Djamil, "The Muhammadiyah and the Theory of Maqâsîd al-Sharî ah", 65.
- 35 M.B. Hooker, *Indonesian Islam: Social Change Through Contemporary Fatawa* (Honolulu: University of Hawai Press, 2003), 197-211.
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