

## CHAPTER VII

### THE FATWA OF MAJELIS TARJIH MUHAMMADIYAH

*One salient feature of Muhammadiyah movement is its critical thinking, which by its nature will enable it to re-interrogate the encounter of “text” and “realities, or between “normativity” of the Qur’ān and Sunna and the “historicity” of Muslims’ understanding of respective texts in certain periods*  
(M. Amin Abdullah).<sup>1</sup>

#### A. Introduction

Muhammadiyah is widely known as an Islamic movement which promotes social reforms and new understanding of Islamic teachings including Islamic law. In this field, Muhammadiyah’s legal stance is manifested in the adherence of a non-*madhhab* principle and belief in the urgency of performing *ijtihād*. This legal stance was later formulated in the establishment of a council called *Majelis Tarjih*, which is specifically responsible for solving Islamic legal problems within the movement, in particular, and Indonesian Muslims in general.

Some studies maintain that this council has been effective in giving effect to the most essential principle of Islamic law, the *maqāṣid al-sharī’a*<sup>2</sup> and to play an instrumental role as a body which facilitates collective *ijtihād*

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<sup>1</sup> M. Amin Abdullah, “Manhaj Tarjih dan Pengembangan Pemikiran Keislaman,” in Muhammad Azhar and Hamim Ilyas (eds), *Pengembangan Pemikiran Keislaman Muhammadiyah: Purifikasi dan Dinamisasi* (Yogyakarta: LPPI UMY, 2000), 7.

<sup>2</sup> See Fathurrahman Djamil, *Metode Ijtihad Majelis Tarjih Muhammadiyah* (Jakarta: Logos, 1995). For comprehensive theoretical study on *maqashid al-sharī’a*, M Khalid Masud’s work is useful. It provides good insights into basis for understanding this concept, by referring to one of the most important Muslim jurists, Abu Ishaq al-Shatibi. See Muhammad Khalid Masud, *Shatibi’s Philosophy of Islamic Law* (Petaling Jaya: Islamic Books Trust, 2005). For a comparison, please refer to Jasser Auda, *Maqashid al-Shari’ah as Philosophy of Islamic Law: A System Approach* (London and Washington: The International Institute of Islamic Thought, 2007), and Muhammad Sa’id bin Ahmad bin Mas’ud al-Yubi, *Maqashid al-Syari’ah al-Islamiyah wa ‘Alaqatuha bi al-Adillati al-Syar’iyyah* (Riyadh: Dar al-Hijrah li al-Nasr wa al-Tauzi’, 1998).

within the movement.<sup>3</sup> Scholars examining non-ritual *fatwā* of *Majelis Tarjih*, have also highlighted the rationality of the agency and its success in purifying and dynamizing Islam.<sup>4</sup> In other words, *Majelis Tarjih* is deemed significant in the formulation and dynamization of Muhammadiyah's legal thought. Based on this very fact, it is believed that the *Majelis* is the locomotive for Muhammadiyah's *tajdīd* (religious reform) movement.<sup>5</sup>

However, currently, *Majelis Tarjih* has been subject to frequent criticism for being irresponsible and rigid in dealing with contemporary legal issues. Consequently, the general impression that has emerged is that Muhammadiyah is undergoing a shift towards conservative leaning. This claim is based on the wider observation of Muhammadiyah as a movement characterized by two competing groups and orientations, conservative and progressive wings over certain critical issues.<sup>6</sup> In the context of this competing thought, *Majelis Tarjih* is frequently seen as proponent of the progressive group as opposed to *Majelis Tabligh* (the missionary council) which is viewed as the conservative wing. This classification may be conditioned by the fact that the *Majelis Tarjih* underwent significant "reform" in orientation and method.

This chapter is an examination of Muhammadiyah's mode of thought by focusing on *Majelis Tarjih's fatwā* and its legal thought. It will critically

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<sup>3</sup> See Rifyal Ka'bah, *Hukum Islam di Indonesia: Perspektif NU dan Muhammadiyah* (Jakarta: Universitas Yarsi, 1999).

<sup>4</sup> Syamsul Anwar, "Fatwa, Purification and Dynamization: A Study of Tarjih in Muhammadiyah," *Islamic Law and Society*, 12: 1, 28-44.

<sup>5</sup> M. Amien Rais, "Preface", in Fathurrahman Djamil, *Metode Ijtihad Majelis Tarjih Muhammadiyah* (Jakarta: Logos, 1995).

<sup>6</sup> Pradana Boy ZTF, *In Defence of Pure Islam: The Conservative-Progressive Debate within Muhammadiyah*, Master Thesis, Faculty of Asian Studies, Australian National University, 2007.

examine the extent to which the association of Muhammadiyah as reformist movement is reflected in the *fatwā* of *Majelis Tarjih* especially in the post-New Order period. As analyzing *Majelis Tarjih* cannot be isolated from Muhammadiyah in general, this chapter will revisit some basic facts of Muhammadiyah which include its history, fundamental doctrines, legal thought and recent developments impacting on the movement. In terms of *fiqh*, Muhammadiyah declares itself as a non-*madhhab* Islamic group which, among other things, means that it does not adhere to the teachings of any *madhhab* including Shafi'i. However, despite this non-*madhhab* doctrine, Muhammadiyah has basically developed its own *madhhab* in the so-called *Madhhab Tarjih*. Factors conditioning the prevalence of its mode of thought including the nature of transmission of Islamic legal knowledge within Muhammadiyah and its impact on legal thought or *fatwā* will also be discussed.

## **B. The Foundation**

It is believed that Ahmad Dahlan,<sup>7</sup> the founder of Muhammadiyah, was influenced by reformist vision through his trips to the Holy City of Mecca in 1889 and 1903. During the period of his sojourn, Dahlan studied Islamic knowledge from Nusantara *ulama'* residing in Mecca including Nawawi al-Bantani, Syeikh Khatib al-Minangkabawi, Kiai Mas Abdullah of Surabaya and Kiai Faqih of Maskumambang Islamic boarding school. He was also introduced to ideas of Muslim reformers at the time which deeply influenced

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<sup>7</sup> The exact date of Dahlan's birth is disputable among scholars. Some historians identified 1869. Other said Dahlan was born 1870. Dahlan passed away in February 23, 1923. See Haedar Nashir, *Muhammadiyah Gerakan Pembaruan*, 110-111.

him and which he started to spread on his return to Java.

On his return Dahlan served as *ketib amin* within the *kraton* of Yogyakarta. This position had undoubtedly enabled him to publicly disseminate his vision of Islam through his sermons and religious activities. These had largely to do with matters of rituals some of which conflicted with established traditionalist Islam. Amongst these was his view that the *qibla* in *Masjid Gade* did not accurately face Mecca and his attempt to change it which contradicted with the religious belief of traditional religious elite such as Kiai Kamaludiningrat, *ketua penghulu*, the head of Islamic religious officer within the *keraton* circle. The conflict cost him his appointment.<sup>8</sup> The rejection indicated that Dahlan's ideas were not easily accepted by both his own community and the religious officials of his time. Consequently, he built his own *langgar* (small mosque) which in his view correctly faced to the *qibla*.

Scholars identified several related factors which they claimed led to the foundation of Muhammadiyah. These included the belief that Muslims did not uphold the guidance of the *Qur'ān* and *Sunna* which had resulted in widespread polytheism (*shirk*), heretical practices and superstitious orientations which undermined their dignity ;weakness of the community due to the absence of a strong Islamic organization in Indonesia; the failure of

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<sup>8</sup> Abdul Munir Mul Khan, *Pesan dan Kisah Kiai Ahmad Dahlan dalam Hikmah Muhammadiyah* (Yogyakarta: Suara Muhammadiyah, 2010), 2. The dispute started from the controversy surrounding the correction of the *qiblah* direction. As Alfian and Mukti Ali noted, around 1896, Dahlan found that the *Masjid Gedhe* or Sultan Mosque did not correctly face towards Mecca which brought consequence that all other mosques in Yogyakarta to have wrong direction towards the *qiblah*. This finding motivated Dahlan to an initiative of correcting the *qiblah* direction by drawing white lines in the Sultan Mosque which will enable Muslims to face the correct prayer direction. However, when the chief *penghulu* was aware of the change, he and his old-established *penghulu* became so furious and ordered to neglect the correction by erasing the already-drawn lines.

most Islamic educational institutions in producing well qualified Muslims; the general adversity of Muslims trapped in acute fanaticism, dogmatism, formalism, traditionalism and conservatism; awareness on the threat potentially faced by Islam, and the penetration of Zending mission.<sup>9</sup> The late Kuntowijoyo was basically in agreement that no single factor leads to the foundation of Muhammadiyah. Dahlan's ideas, in Kuntowijoyo's view, was response to at least three processes --modernization, rationalism and Javaism. Dahlan responded to modernisation by attempting to blend elements of modernism with the practices of Islam in Indonesia which was hitherto forbidden. In dealing with Javaism (*Jawaisme*) often equated with traditionalism, Dahlan took a pro-active approach at first followed subsequently by positive attitude based on the principle of *amar ma'ruf nahi munkar* (urging for the good and forbidding for the bad).<sup>10</sup>

The role of external and internal factors was also adduced in discussions on the founding of Muhammadiyah. The primacy of indigenous factor cannot be overlooked. As Mitsuo Nakamura pointed out: "...the Muhammadiyah movement must be regarded as a development from within Javanese society rather than as a ready-made import from without." Nakamura's based his finding on close observation in Kotagede, Yogyakarta, the birthplace of Muhammadiyah in which rituals that Muhammadiyah opposed were practiced.<sup>11</sup> Muhammadiyah's genesis has also been attributed to the larger

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<sup>9</sup> Haedar Nashir, *Muhammadiyah Gerakan Pembaharuan* (Yogyakarta: Suara Muhammadiyah, 2010), 34.

<sup>10</sup> See Kuntowijoyo, "Jalan Baru Muhammadiyah", Preface in Abdul Munir Mul Khan, *Islam Murni dalam Masyarakat Petani* (Yogyakarta: Bentang Budaya, 2000), xi-xx.

<sup>11</sup> Mitsuo Nakamura, *The Crescent Arises over the Banyan Tree: A Study of the Muhammadiyah Movement in a Central Javanese Town c.1910-2010*, 2<sup>nd</sup> Enlarged Edition (Singapore: ISEAS), 2012, 165.

context of the role of reform ideas in the Arab world in general. In this socio-religious dynamics, Dahlan formulated his ideas of reforming society through *tajdīd* and *iṣlāḥ* which he sought to implement through *ijtihād*, echoing the credo of *al-rujū' ila al- Qur'ān wa al-Sunna* and social reforms as has been mentioned earlier. On this basis, therefore, Muhammadiyah is widely known as identical to a *tajdīd* movement. In its formal and technical sense of this movement, *tajdīd* or reform is understood as purification and renewal (reform).<sup>12</sup>

### C. Muhammadiyah's Modes of thought

The Muhammadiyah movement is by no means monolithic in terms of the variety of labels and orientations that have been attributed to it (*dhu-wujūh*)<sup>13</sup>. Among others, it has been characterised as reformist, puritan, and modernist. Scholars such as James L. Peacock, Mitsuo Nakamura, Deliar Noer, Alfian, William Shepard and Jainuri are among others who hold these views. These terms are often used interchangeably resulting in the lack of clarity of their meanings. This section will examine how Muhammadiyah's religious orientation and mode of thought have been discussed in scholarship.

#### *Muhammadiyah as Puritan*

The association of Muhammadiyah with puritanism is based on its mission to purify Indonesian Muslim society. For the purpose of this thesis,

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<sup>12</sup> Haedar Nashir, *Muhammadiyah gerakan Pembaruan* (Yogyakarta: Suara Muhammadiyah, 2010), 292.

<sup>13</sup> Mitsuo Nakamura, *Bulan Sabit Muncul dari Balik Pohon Beringin*, translated by M. Yusron Asrofie (Yogyakarta: Gadjah Mada University Press, 1983), 226.

the term puritanism is used interchangeably with revivalism. Founded in 1912 in the context of syncretic Islam in Indonesia Muhammadiyah embarked on attempts at purifying Islamic teachings deemed to have been polluted by local traditions and practices. This syncretism is perceived to have contributed to the degeneration and decline of the Muslims. It is pertinent to note that Muhammadiyah began in Kauman, a *kampung* situated in the west of *alun-alun* (square) of Yogyakarta.<sup>14</sup> The choice of Yogyakarta as its birthplace is fundamental, to understanding the puritan nature of this movement. Yogyakarta is the heart of Javanese culture and value system, or a microcosm of “Javanese society as a whole”, to borrow Alfian’s word.<sup>15</sup> The centrality of Javanese culture value system of Yogyakarta people is anchored in the Palace of Yogyakarta known locally as *Keraton Ngayogyakarta Hadiningrat*.

*Keraton Yogyakarta* is not only a political entity but the institution and centre for the preservation of Javanese culture. As both political and cultural institution, the *Keraton* has assimilated Javanese, Hindu-Buddhist and Islamic cultures when Islam served as a new value system through peaceful Islamization in the archipelago. James L. Peacock maintains that Yogyakarta is “a major centre”<sup>16</sup> for the incorporation of Islamic elements in predominantly Javanese practices, or the Javanization of Islamic teachings. The assimilation is also manifested in titles accorded to rulers as both

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<sup>14</sup> For historical account on Kauman as a *kampung* from which Muhammadiyah movement emerged, see Ahmad Adaby Darban, *Sejarah Kauman: Menguak Identitas Kampung Muhammadiyah* (Yogyakarta: Suara Muhammadiyah, 2010).

<sup>15</sup> Alfian, *Muhammadiyah*, p. 136.

<sup>16</sup> James L Peacock, *Muslim Puritans: Reformist Psychology in Southeast Asia* (Berkeley and Los Angeles: University of California Press, 1978), 23.

political and religious leaders.<sup>17</sup>

The marriage of Islamic and Javanese elements is furthermore manifested in the institutionalization of Islamic religious authority within the complicated structure of Yogyakarta Palace called *Kepenguluhan*. The formation of religious authority within the *keraton* circle is reflected in the Sultan's function as the protector of Islam, the official religion adopted by the *keraton*.<sup>18</sup> As Javanese kings, Sultans are expected to believe, uphold and practice the concept of *agama ageming aji*, that religion is a "cloak" for rulers.<sup>19</sup> He is expected to be the role model in the practice of religion and protect it within the larger societal milieu. One manifestation of this protection is the establishment of a number of mosques under the patronage of the *keraton*. Among those mosques is *Masjid Agung* or *Masjid Gedhe Kauman* in which Dahlan, was a *ketib amin* replacing the position of his father, Kiai Haji Abu Bakar, upon the latter's passing away.<sup>20</sup> As an institution, *kepenguluhan* is headed by a leader called *ketua penghulu* who is assisted by nine officers.<sup>21</sup> Among the most important role of these *ketibs* played is delivering Friday sermons as well as serving a advisors to the

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<sup>17</sup> Such a title as *Senopati ing Alogo Khalifatullah Sayyidin Panotogamo*, which literally means the commander in the battle, the vicar of the God, and the regulator of religion, clearly indicate such assimilation and the dual role of a sultan both as political ruler and religious patron.

<sup>18</sup> HM Nasruddin Anshoriy Ch, *Matahari Pembaruan: Rekam Jejak KH Ahmad Dahlan* (Yogyakarta: JB Publisher, 2010), 43.

<sup>19</sup> Raharjo Suwandi, *The Quest for Justice: The Millenary Aspiration of a Contemporary Javanese Wali*, (Leiden: KITLV, 2000), 82.

<sup>20</sup> Ahmad Dahlan, born as Muhammad Darwisy, was the fourth child of seven. As most of his siblings were female, he was the first of two sons his parents belong to. The change of name from Muhammad Darwisy to Ahmad Dahlan occurred upon his return from Mecca for pilgrimage and learning Islam from many respective ulama in Mecca, including those from Indonesia.

<sup>21</sup> Nasruddin Anshoriy, *Matahari*, p. 45.

Sultan in Islamic religious affairs.<sup>22</sup>

In this context, Dahlan pursued his mission of purifying religious practices and local culture which had in his view deviated from the original teachings of Islam and contributed to *shirk*. In his view this would preserve the substance of teachings of Islam based on the basic sources of its tenets, the *Qur'ān* and *Sunna*. In a technical sense, Muhammadiyah sees its efforts at purifying what it believes to be genuine Islamic teachings and practices as a manifestation of *tajdīd*, as indicated earlier. Its scholars maintain that purification is one meaning of *tajdīd* which does not reduce or narrow its scope. Rather, it serves to clarify the Muslims' way of life at the time which had been tainted by non-Islamic elements.<sup>23</sup> Its most important agenda is popularly known by the acronym TBC (*takhayul, bid'ah* and *churafat*). This includes *selamatan* (thanksgiving), *kenduren*,<sup>24</sup> *petungan*<sup>25</sup> and visiting tombs especially those of respected figures, such as the nine saints believed to have spread Islam in Nusantara known locally as *wali songo*. Initially aimed at clearly distinguishing Islamic teachings from the practices of Javanese tradition containing Hindu-Buddhist elements, in its later phase, the doctrine of anti-TBC gradually transformed into the doctrine of anti-local

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<sup>22</sup> Ahmad Faizin Karimi, *Pemikiran dan Perilaku Politik Kiai Haji Ahmad Dahlan* (Gresik: MUHI Press, 2012), 131.

<sup>23</sup> Haedar Nashir, *Muhammadiyah Gerakan Pembaruan* (Yogyakarta: Suara Muhammadiyah, 2010), 292.

<sup>24</sup> *Slametan* and *kenduren* are traditions meant as thanksgiving. It has varied forms but in general the main goal is identical. It is more commonly practiced in rural areas than in urban contexts. The basis for the performance of *slametan* is also varied, since it relates to important events of life such as birth and marriage or even the cultivation and harvesting period for farmers.

<sup>25</sup> *Petungan* literally means calculation or estimation. It is a Javanese tradition which refers to the estimation and calculation of days and date in performing certain important life events such as wedding ceremony. The calculation is based on cosmological consideration in which some days are perceived as “good” or “bad”. Performing events should be done on “good days” and “bad days” are to be avoided.

traditions. Consequently, it is inevitable that Muhammadiyah members in general are suspicious of and reluctant to accept or even reject syncretic local traditions and practices, and that Muhammadiyah lacks appreciation for them. Although this may well describe the dominant exclusive orientation of Muhammadiyah members and elites, their attitude towards culture are not monolithic.

Muhammadiyah's puritanical stance has invited adverse social repercussions. It has contributed to develop an exclusive orientation among some Muhammadiyah activists in practicing religion. Nakamura's observation is relevant. In Kotagede, he visibly witnessed the rejection of local traditional practices under the banner of Islam and bold attempt to correct these allegedly *bid'a* practices by Muhammadiyah activists. On this basis, Nakamura concluded that the arrogance of reformist Muslim activists is "a reflection of their conviction that they "understand better" Islam than the rest of the population."<sup>26</sup> It is not difficult to agree with Nakamura's observation on the suspicious and non-inclusive attitude of Muhammadiyah members against others who do not share their views and practice of Islam. This tendency to perceive other Muslims as revivers of the *bid'a* has also induced inevitable tensions with traditionalist group such as Nahdlatul Ulama (NU),<sup>27</sup> whose practice of Islam are deemed as heretical. Equally pertinent,

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<sup>26</sup> Nakamura, *The Crescent Arises*, p. 174.

<sup>27</sup> In the contemporary setting, responses to anti-*bid'ah* movements of Muhammadiyah are massive and severe. Some publication by Nahdlatul Ulama' activists against the so-called *bid'ah* are now common. For example, Ahmad Zaki Mubarak and Muallimin Muntari, *Sunnah-Bud'ah: Rahmat atau Permusuhan* (Solo: Tinta Media, 2011), Mohammad Nor Ichwan, *Bid'ah Membawa Berkah: Amalan Ahlu Sunnah Wal Jamaah yang Dianggap Sesat Tetapi Membawa Manfaat Bagi Umat* (Semarang: Syiar Media Publishing, 2013, 6<sup>th</sup> print); H.M. Madchan Anies, *Tahlil dan Kenduri: Tradisi Santri dan Kiai* (Yogyakarta: Pustaka Pesantren, 2009).

this purification doctrine has not only distanced Muhammadiyah from other Muslims it has also significantly contributed to Muhammadiyah' rigidity in evaluating any tradition on the basis of its interpretation of the sacred texts --the *Qur'ān* and *Sunna*.

### *Muhammadiyah as Reform Movement*

Muhammadiyah is also known as reformist Muslim group. A possible answer to understand the association of Muhammadiyah with reformism closely relates to adoption of ideas and agenda of Muslim reformers in the Middle East in the beginning of the 20<sup>th</sup> century. In the context of imperialism that dominated large parts of the Muslim world and the general socio-economic mire of Muslims, prominent personalities and scholars such as Ibn Taimiyya, Muhammad bin Abdul Wahhab, Jamal al-Din al-Afghani, Muhammad Abduh, and Muhammad Rashid Rida,<sup>28</sup> urged for direct reference to the *Qur'ān* and *Sunna* to achieve pristine Islamic teachings. They also advocated for opening the gate of *ijtihād* declared closed by the followers of schools of Islamic law (*madhhab*), and called for the awakening of Muslims from their decline and backwardness.

In the context of massive socio-economic change and problems impacting on Muslims in Indonesia, Muhammadiyah attempted to embark on its mission to uplift the condition of the people. One of its most prominent

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<sup>28</sup> According to Adaby Darban's study, among the books that Ahmad Dahlan read which later enhanced his reformist orientation are: *Kitab al-Tauhid, al-Islam wa al-Nashraniyya* and *Tafsir Juz 'Amma* by Muhammad Abduh, Farid Wajidi's *Kanz al-Ulum: Durrah al-Ma'arif*, Ibn Taimiyya's *Fi al-Bid'ah* and *al-Tawassul wa al-Wasila*, Rasyid Rida's *al-Manar*, and Magazine of *al-Urwat al-Wuthqa* published by Rashid Rida. See Ahmad Adaby Darban, *Sejarah Kauman: Menguak Identitas Kampung Muhammadiyah* (Yogyakarta: Suara Muhammadiyah, 2010).

contributions has been reform in religious education. This is manifested in the synthesis of two polar systems of education, namely the *pesantren* and the Dutch system. Traditional *pesantren* system only emphasised religious knowledge in its classical and traditional sense which had produced alumni who were detached from and ill equipped with knowledge of the modern world. In contrast, the Dutch educational system offered an exclusively secular education which also created negative views against religion an impediment to modernisation, on the other. These contradictory educational systems not only manifest distinctions in orientations but also the practice of segregation by Dutch colonial government toward the indigenous people. Modern education was only provided for Dutch students and the children of Indonesian (Javanese) aristocrats who maintained close political ties with the Dutch colonial government. Consequently, marginalized classes of society were excluded from this educational system. They were accommodated by traditional *pesantren* which were to a large extent traditionalistic both in pedagogy and content of curriculum.

M. Amien Rais, the former chairman of Muhammadiyah central board maintains that the main traits of Muhammadiyah's reform initiatives are manifested in its organized movement; its educational activities modelled upon modern schools in the context of its time and the technological approach it employed in developing organizational activities, especially its socio-economic units.<sup>29</sup> For Peacock, Muhammadiyah's reformist leanings can be effectively grasped from the social structure and values closely

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<sup>29</sup> M. Amien Rais, "Preface" in Kelompok Studi Lingkaran (ed), *Intelektualisme Muhammadiyah Menyongsong Era Baru* (Bandung: Mizan, 1995), 9.

identified with the movements.<sup>30</sup> Structurally the movement stands in contrast to the hierarchical nature of Javanese society in general as well as its traditionalistic counterparts such as Nahdlatul Ulama.<sup>31</sup> This feature greatly influences the dynamics of this organization and facilitates social mobility within it. Consequently, authority in Muhammadiyah is much more defined by leadership capacity and ability rather than genealogical lineage. This implies that Muhammadiyah members stand on equal opportunity in being the holders of authority both organizationally as well as intellectually although genealogically they are not part of *darah biru* (elite or aristocrats) of Muhammadiyah. In other words, from a modern point of view, Muhammadiyah is a merit-based organization which to some extent, adopts meritocracy as a principle of its intra social mobility and leadership selection. This situation is different in the case of traditionalistic groups where lineage plays a determinant role in the formation of authorities. Moreover, this situation is strengthened by the fact that most *kiai* especially in Java are connected to each other through familial relationships. In the case of Muhammadiyah, the *kiai* or *ulama*' as a social institution does not exist in its traditional connotations.

Peacock also maintains that this attitude is also on par with Muhammadiyah's attitude towards women as evident in the practice of them

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<sup>30</sup> James L Peacock, *Muslim Puritans*, chapter 4.

<sup>31</sup> Regarding the issue of hierarchy, being raised in a Muhammadiyah milieu, I am personally not aware of the hierarchical nature in the chain of Islamic authority in Islam. Consequently, in my social encounter with some traditionalistic Muslims in Singapore. I was surprised by a question of my sanad in studying the *Qur'ān*. Such a question basically emerges from the belief embraced by certain groups of Muslims that in studying the *Qur'ān* Muslims should be connected to a chain of masters culminating in the Prophet Muhammad. Failure to fulfil such a prerequisite will cast doubt on how the *Qur'ān* is studied. However, being a movement which is not heavily burdened with such hierarchy, this belief is not known to Muhammadiyah.

attending Friday congregation such as in Yogyakarta, and the greater roles they play in mosques compared to their traditionalist counterparts.<sup>32</sup> Peacock also highlighted the difference in how social solidarity is manifested within the movement although how this factor relates to reform is unclear. He maintains that unlike in traditional Muslim groups where solidarity is mostly maintained through social gatherings which blend elements of tradition, religion witnessed in long-established events such as *slametan*, *tahlilan*, *kenduren*, and the like,

“The lesser frequency of *slametan* among the reformists can also be interpreted as lessening of neighbourhood and household ties, as well as of concern for harmonizing these socio-spiritual realms. *Santri* replace *slametan* with prayers. The central place for prayer is not home but mosque... and the prayers are oriented not to face-to-face relationships but to Allah.<sup>33</sup>

In Muhammadiyah lexicon, reform is often equated with *tajdīd* meaning renewal in the sense of improvement or betterment.<sup>34</sup> Other than this, the term is also used to signify three important aspects- thought, praxis of movements and ethos. The first encompasses methods, approaches and thought resulting from; the second deals with the management of organization and technological innovations and the last, world-view, values, and ethics.<sup>35</sup> Asjmuni Abdurrahman, the former chair of *Majelis Tarjih* argues that the dimensions of *tajdīd* include the purification of ritual and faith, the formation of ethics; the formation of dynamic, creative, progressive and

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<sup>32</sup> Peacock, *Muslim Puritans*, p. 108-109.

<sup>33</sup> Peacock, *Muslim Puritans*, p. 114.

<sup>34</sup> See Afifi Fauzi Abbas, “Tarjih dan Pembaharuan Hukum Islam,” in Afifi Fauzi Abbas (ed), *Tarjih Muhammadiyah dalam Sorotan* (Jakarta: IKIP Muhammadiyah Press, 1995), 3.

<sup>35</sup> Abdul Mu’thi, “Tradisi Tajdid di Muhammadiyah”, *Suara Muhammadiyah*, Number 05/99, 01-15 March 2014, p. 27.

futuristic attitude of life; and the improvement of leadership, organization, and ethos within the context of Muhammadiyah.<sup>36</sup> However, it is important to note that the formal identification of Muhammadiyah with *tajdīd* and the formulation of *tajdīd* in the formal sense of this organization is only a later creation as the first formulation of the concept of *tajdīd* took place in 1968. This formulation was very simplistic and did not include a comprehensive explanation of the concept. Consequently, in 22<sup>nd</sup> *Majelis Tarjih* Congress held in Malang, East Java, in 1989, the concept of *tajdīd* was intensively discussed and reformulated in response to severe criticisms against Muhammadiyah.<sup>37</sup>

Another main feature identifying Muhammadiyah with reformism is its employment of *ijtihād* and the principle of returning to the *Qur'ān* and *Sunna*. Briefly speaking, *ijtihād* as understood and promoted by Muhammadiyah is an anti-thesis to the shut of the gate of *ijtihād* believed to have been declared by *ulama'* of the classical era on the basis that the founders and imams of Islamic schools of law (*madhhab*) have formulated Islamic law in detailed and comprehensive ways. Abduh, one of leading Muslim reformers from whom Dahlan derived his inspiration, believed that *ijtihād* is the goal of Islamic reform. In this context, Abduh criticized reference to works on Islamic knowledge produced at the time when Islam was in decline. He urged for direct reference to the *Qur'ān* and *Sunna*. Unlike common perception Abduh also advised for reference to the works of *ulama'* but he confined such references to those produced before the rise of Islamic schools of law

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<sup>36</sup> Asjmunni Abdurrahman, *Manhaj Tarjih Muhammadiyah: Metodologi dan Aplikasi* (Yogyakarta: Pustaka Pelajar, 2012), 286.

<sup>37</sup> Fathurrahman Djamil, *Metode Ijtihad Majelis Tarjih*, p. 57-58.

(*madhhab*).<sup>38</sup> Inspired by Abduh, Dahlan basically did not reject textual legacy of the classical *ulama'* despite his strong call for returning directly to the *Qur'ān* and *Sunna*.<sup>39</sup>

This doctrine of *al-rujū' ila al-Qur'ān wa al-Sunna* in the view of Kuntowijoyo is an ambiguous concept, as it can invite both liberating and limiting consequences.<sup>40</sup> In the latter *al-rujū' ila al-Qur'ān wa al-Sunna* can mean that Muhammadiyah should not practice any teachings and rituals not explicitly mentioned in both texts. In contrast, in the liberation sense, this creed opens a wider opportunity for interpretation of Qur'anic teachings more independently without the burden of fatalistic conformism and dependence on forebearers of schools of law, technically known as *taqlīd* or *taqlīd al-a'ma*.<sup>41</sup> In this respect, Dahlan attempted to implement the concept *al-rujū' ila al-Qur'ān wa al-Sunna* in the second sense in attempting to harmoniously combine textual formula of the scripture with contextual situations.,<sup>42</sup> His approach differs from dominant tendency of Muhammadiyah members in the current situation who adopt *al-rujū' ila al-Qur'ān wa al-Sunna* in the limited sense.

Muhammadiyah's reformist leaning is also associated with its emphasis on critical thinking. Amin Abdullah, *Majelis Tarjih's* chairman between 1995-2000, asserts that critical thinking is basically one of the most salient

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<sup>38</sup> See Mukti Ali, *Ijtihad dalam Pandangan Muhammad Abduh, Ahmad Dakhlān dan Muhammad Iqbal* (Jakarta: Bulan Bintang, 1990), 58-59.

<sup>39</sup> Ibid.

<sup>40</sup> Kuntowijoyo, "Jalan Baru Muhammadiyah", Preface in Abdul Munir Mulkhan, *Islam Murni dalam Masyarakat Petani* (Yogyakarta: Bentang Budaya, 2000), xi-xx.

<sup>41</sup> Pradana Boy ZTF, *Para Pembela Islam: Pertarungan Konservatif dan Progresif di Tubuh Muhammadiyah* (Jakarta: Gramata Publishing, 2009), 66.

<sup>42</sup> Pradana Boy ZTF, *Another Face of Puritan Islam: Muhammadiyah and Radicalism among the Youth*, paper presented at International Research Conference on Muhammadiyah, Muhammadiyah University of Malang, Indonesia, 29 November-2 December 2012.

features of the movement. Upholding the view that Dahlan practiced *al-rujū' ila al- Qur'ān wa al-Sunna* in the liberation sense, Abdullah believes that relating text and context was prominent in Ahmad Dahlan's thought. Furthermore, he argues that Dahlan was concerned and critical of Muslims' understanding of the *Qur'ān* at the time generally featured by rigidity in being bound by texts. As a result, ethical values within the *Qur'ān* were not adequately grasped and understood which inhibited the *Qur'ān* from serving as an ethos for concrete action. The same attitude was perceived in examining texts which encouraged people to seek for knowledge. Seeking knowledge for action was understood very narrowly in terms of studying religious knowledge in its classical sense. This knowledge with all its branches was studied exclusively apart from (*al-ulūm al-kawniyya*) human sciences and social reality(*al-ulūm al-insaniyya*). In Abdullah's view, the encounter of Muhammadiyah and other cultures and civilizations such as Europe and Christianity, had inspired Dahlan to interpret the *Qur'ān* in a new light.<sup>43</sup>

Many view Dahlan's vision of reform anchored on religious traditions as unique. Compared to other reformers in other part of Muslim world such as Abduh and Muhammad Iqbal, the unique position of Dahlan is that he was not a merely a man of thought but a pragmatist,<sup>44</sup> or a man of action, based on his ability to translate normative doctrine of Islam into practice and institutionalizing his ideas in the form of a social movement,<sup>45</sup> though many of his thoughts are not recorded which creates some difficulty in studying his intellectual legacy. His contributions have been well evaluated by many.

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<sup>43</sup> M. Amin Abdullah, "Manhaj Tarjih dan Pengembangan Pemikiran Keislaman", p. 7-8.

<sup>44</sup> Alfian, *Muhammadiyah*,

<sup>45</sup> Mukti Ali,

Haedar Nashir, the editor-in-chief of *Suara Muhammadiyah* magazine, for instance, argues that Dahlan's pragmatism should not supersede his ideas of socio-religious reforms which could be considered exceptionally outstanding by the standards of his time.<sup>46</sup>

Conceptually, reformism has been understood as a mode of thinking characterised by the following traits: strong intellectual basis; the focus on substance over form; a strong social philosophy informed critically by diagnostic social sciences; grounded in contextual local needs and challenges; having a clear and consistent commitment to pedagogical strategies and the importance of planning; incorporate diverse approaches and strategies relevant to issues addressed; assimilative of intellectual thought on contemporary knowledge and relevant traditions.<sup>47</sup>

Some of these features of reformist orientation are evident in Muhammadiyah's mission, particularly in the early period of its inception. For instance the movement's strong involvement in social services and educational reform are clearly influenced by emphasis on social philosophy and the need to modernise society Dahlan's ability to identify social problems rooted in Javanese society at his time, and the efficacy of formulae he offered in alleviating them also reflects his critical ability to creative synergise traditions with the contextual problems of his community. However, the rigid approach and stance adopted by current dominant elements within the movement justified by reference to its founders reveal inconsistencies with

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<sup>46</sup> Haedar Nashir, *Muhammadiyah Gerakan Pembaruan*, p. 37.

<sup>47</sup> Azhar Ibrahim, "The Idea of Religious Reform: Perspective of Singapore Malay-Muslim Experiences", in Syed Farid Alatas (ed), *Muslim Reform in Southeast Asia: Perspective from Malaysia, Indonesia and Singapore* (Singapore: Majelis Ugama Islam Singapura, 2009), 84-87.

some of the defining traits above.

The puritanical stance of Muhammadiyah manifested in its non-accommodative attitude towards syncretic Islam illustrates the point. The tendency towards labelling these as un-Islamic and heretical is at the expense of critical insights and examination into their social significance and actual ramifications on the community. Muhammadiyah's attitude towards scripture and its strong tendency to cling on selective readings or interpretations of the scriptures in understanding religion has made it less accommodative of competing views and knowledge. Its credo of *al-rujū' ila al-Qur'ān wa al-Sunna*, although which though has the potential of being liberative has also been dominantly understood and applied in a restrictive sense. In this sense the credo of referring back to the *Qur'ān* and *Sunna* has been appropriated as a function of puritanism or revivalism. Therefore, the reformist and puritanical or revivalist streak of Muhammadiyah should be clearly distinguished. While elements of its reform efforts remain evident in the social and practical domain, its mode of religious thought and theological creed markedly reveal elements of puritanism or revivalism.

Currently, Muhammadiyah has been criticised for its reformist tendency in its efforts to confront overwhelming practical challenges. The movement is said to be heavily involved in ad-hoc-type reform efforts which has nonetheless been its mainstay as a reform movement. In attempting to continue to fulfil its mission, Muhammadiyah is challenged by the necessity of continuously formulating a dialogical and integrative relationship between

religious ideology and modernity.<sup>48</sup> This means that it has to deal with the imperatives of *kedisnian* (factual space), *keapaan* (current realities), and *kesiapan* (readiness). This requires every generation of Muhammadiyah to think uniquely in terms of how to creatively syncretise religious traditions with profound understanding of the contemporary conditions in alleviating problems confronting the community.<sup>49</sup>

This challenge has been impeded by the strong tendency to focus on practical activities at the expense of intellectual struggle which threatens to reduce the movement to intellectual stagnation. Hence, the late Nurcholish Madjid asserted to the effect that while it is undoubted that Muhammadiyah has been successful in carrying out pragmatic (*amaliah*) reform, such efforts should be accompanied by reform of thought necessary in meeting the complex demands of the contemporary condition confronting Indonesian Muslims.<sup>50</sup> In this respect, the reflections of the Muhammadiyah scholar, Muhadjir Effendy from Muhammadiyah University of Malang is understandable. Effendy questions the dominant association of Muhammadiyah with modernism and critically examines this largely taken for granted evaluation. While he concedes that it differs from traditionalist Islam of Nahdlatul Ulama he however maintains that it should be critically evaluated against current standards of what is modern.<sup>51</sup> Similarly, Syafii

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<sup>48</sup> M. Saad Ibrahim, "Mengapa Muhammadiyah Digugat?" paper presented at Muhammadiyah Up-date Seminar, Center for the Study of Islam and Philosophy, Muhammadiyah University of Malang, 20 February 2010.

<sup>49</sup> Ibid.

<sup>50</sup> Quoted by Haedar Nashir, "Kritik atas Modernisme Muhammadiyah", in Ajang Budiman and Pradana Boy ZTF (eds), *Menggugat Modernitas Muhammadiyah: Refleksi Satu Abad Perjalanan Muhammadiyah* (Malang and Jakarta: PSIF UMM and Best Media, 2010), 17.

<sup>51</sup> Muhadjir Effendy, "Membincang Modernitas Muhammadiyah", in Ajang Budiman and Pradana Boy ZTF (eds), *Menggugat Modernitas Muhammadiyah: Refleksi Satu Abad Perjalanan Muhammadiyah* (Malang and Jakarta: PSIF UMM and Best Media, 2010), 21.

Maarif, the former chairman of Muhammadiyah Central Board, maintains that one of the major problems that Muhammadiyah is currently facing is its weakness in the framework or perspective on Islam as a result of its overwhelming social activities. Although Maarif acknowledges that Muhammadiyah was not formed as an intellectual movement, he asserts that it cannot ignore this dimension in this current age.<sup>52</sup>

### *Competing Orientation*

Being mostly associated with reformism and puritanism/revivalism, Muhammadiyah is factually a non-monolithic entity. Its puritan or revivalist streak as above discussed, is revealed among other ways in attitude towards local tradition, customs or culture generally. However, Muhammadiyah members' attitude towards the practice of culture and tradition is non-monolithic. Munir Mulkhan's study, for instance, clearly demonstrates the variety of leanings within the movement -*al-Ikhlash* Muhammadiyah or those who do not practice what they deem as syncretic Islam but tolerate them; *Islam Murni* (those who practice what they define as pure Islam and strongly reject local elements in religious practices), *Marhaen Muhammadiyah* (Marmud) namely the group who follow Muhammadiyah's practices but at the same time subscribe to *abangan* type of Islam, and Muhammadiyah NU (*Munu*), namely members of Muhammadiyah who observe traditional Islam as practiced by Nahdlatul Ulama.<sup>53</sup> Although

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<sup>52</sup> Ahmad Syafii Maarif, "Keniscayaan Kebebasan Berfikir dalam Muhammadiyah", paper presented at Muhammadiyah Up-date Seminar, Center for the Study of Islam and Philosophy, Muhammadiyah University of Malang, 22 May 2010.

<sup>53</sup> Abdul Munir Mulkhan, *Marhaen Muhammadiyah* (Yogyakarta: Galang Press, 2010).

Mulkhan's findings are locally-specific, it underscores the important observation that not all Muhammadiyah members are hostile to local traditions as it is commonly presumed.

Kuntowijoyo provides another observation that bears upon the diversity of mode of thinking within the movement. In his view, it might be true that Muhammadiyah has a tendency to reject local tradition, this does not mean that it is predominantly an anti-culture movement. According to Kuntowijoyo, the identification of Muhammadiyah as an anti-culture movement is misleading as culture is not identical to tradition. Theoretically, it includes such entities as system of knowledge, education, and effective and efficient use of time. It would be more appropriate in his view that Muhammadiyah be seen as a new cultural movement.<sup>54</sup> Mulkhan suggests that the rigidity and reluctance of elements within Muhammadiyah in dealing with local traditions and cultures is due to the lack of knowledge of contemporary Muhammadiyah activists on the nature of Dahlan's attitude towards local traditions and cultures.<sup>55</sup> As many sources suggests, Dahlan had an open personality and was not hostile to Javanese culture. That Dahlan's second trip to Mecca was sponsored by the Sultan of Yogyakarta also suggests to Mulkhan that the founder had maintained good relations with the ruler despite his orthodox belief. In other words, Dahlan was believed to be a man with high cultural awareness and appreciation. Hence, it can be argued that the shift of Muhammadiyah from cultural to puritanical stance is a

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<sup>54</sup> Kuntowijoyo, *Muslim Tanpa Masjid: Esai-esai Agama, Budaya dan Politik dalam Bingkai Strukturalisme Transendental* (Bandung: Mizan, 2001), 158-170.

<sup>55</sup> A. Munir Mulkhan, *Islam Kultural Kiai Dahlan: Mengembangkan Dakwah dan Muhammadiyah Secara Cerdas dan Maju Bersama Kiai Ahmad Dahlan* (Jakarta: Grafindo Khazanah Ilmu, 2012), 8-9.

post-Dahlan development. The shift in orientation from cultural to puritan type of Islam coincided with the influence of Wahhabi teachings in Indonesia through Minangkabau. The penetration of this influence on Muhammadiyah activists from this region is evident in the thinking of personalities such as Haji Rasul and the establishment of *Majelis Tarjih* with its strong *sharī'a* orientation.<sup>56</sup> Muhammadiyah's respect to Javanese culture are also evident in its adoption of the Javanese code of conduct, the use of Javanese language in Muhammadiyah's publication, communication and ritual, the adoption of Javanese style dress for its uniform as well as participation in the Javanese cultural groups and movements.<sup>57</sup>

Other than competing orientations in dealing with local traditions, some groups within Muhammadiyah also differ in their approach and conceptualisation of contemporary issues such as religious pluralism, renewal of Islamic thought and law and understanding of the *Qur'ān*. Responses to these issues also reveal competing orientations that not always bear the characteristics of revivalism or puritanism. The competition has led to divergence of Muhammadiyah's response to many issues in Islam. Furthermore, it has also induced tensions and conflict within the movement. In this conflict, competing reform oriented groups are marginalized. The ousting of some prominent Muhammadiyah progressive scholars from the list of Muhammadiyah board in the 2005 Congress illustrates the point.<sup>58</sup>

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<sup>56</sup> See Ahmad Najib Burhani, "The Ideological Shift of Muhammadiyah from Cultural into Puritanical Tendency in 1930s", *Jurnal Masyarakat dan Budaya*, Vol. VIII, No. 1, 2006, 1-22.

<sup>57</sup> Ahmad Najib Burhani, "Revealing the Neglected Missions: Some Comments on Javanese Elements in Muhammadiyah Reformism", *Studia Islamica*, Vol. 12, Number 1, 2005, 101-130.

<sup>58</sup> I have dealt this topic in details in my master thesis. For more information, please refer to

The marginalization of progressive elements within Muhammadiyah coincides with the penetration of some Islamist factions within this movement. Such penetrations are understandable since Muhammadiyah basically shares certain common outlook and dogma with some Islamist groups in Indonesia. As an example, the credo of *al-rujū' ila al-Qur'ān wa al-Sunna* is a common principle upheld by the *salafi* groups. In more general terms, some Muhammadiyah groups share identical orientation in understanding the *Qur'ān* with those of scripturalist groups. From a theoretical point of view, diverse orientations of Muslims in understanding the *Qur'ān* could be generalized into three broad categories-scriptural, semi-contextual and contextual. It can be claimed that in the context of Muhammadiyah, all these orientations exist.

Another manifestation of such competing orientations within Muhammadiyah is also evident in group's attitude towards democracy within the movement. Here again the contestations between dominant agencies from marginal ones can be discerned. Fuad Fachruddin's research is relevant in this respect. His study reveals that four distinct ideas manifesting differing orientations can be identified: the secularist-rejectionist that aspires for the autonomous enforcement of Islam in terms of moral and ethical basis, the supporters of *sharī'a* enforcement and the Islamic state, those who do not support Islamic state but aspire for the involvement of civil Islam in the process of practical politics and those who maintain the non-political nature

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Pradana Boy ZTF, "In Defence of Pure Islam: The Conservative-Progressive Debate within Muhammadiyah," M.A. Thesis, Faculty of Asian Studies, The Australian National University, 2007.

of civil Islam.<sup>59</sup>

#### D. The Majelis Tarjih

Prior the establishment of *Majelis Tarjih*, Muhammadiyah's orientation to *fiqh* was less intense. Dahlan is believed to practice a *madhhab*-oriented *fiqh* especially Shafi'ite school of law.<sup>60</sup> This belief might be true considering the fact that *Majlis Tarjih* was only founded around fifteen years after Muhammadiyah was established. Syamsul Anwar, the current chairman of *Majelis Tarjih* explains that the founding of *Majelis Tarjih* is related to the expansion of Muhammadiyah both institutionally and socially which necessitated the leadership to be involved in much more complex issues. Consequently, the leadership became responsible not only for managerial and organizational affairs, but also religious issues including issuing *fatwa*. The inevitable necessity for division of labour within the movement eventually culminated in the foundation of a council specifically responsible for Islamic religious issues which is now popularly known as *Majelis Tarjih*.<sup>61</sup>

Historically, the birth of *Majelis Tarjih* is intertwined with the role of Kiai Haji Mas Mansur,<sup>62</sup> then chairman of East Java Muhammadiyah

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<sup>59</sup> Fuad Fachruddin, *Agama dan Pendidikan Demokrasi, Pengalaman Muhammadiyah dan Nahdlatul Ulama* (Jakarta: Penerbit Alfabeta, 2006), 101-104.

<sup>60</sup> A document dated 1924 mentions that Ahmad Dahlan or Muhammadiyah at the time practiced Shafi'i *fiqh*. This document is recently revealed and a book based on this document is published. As it informs practices of *fiqh* which diametrically dissent from Muhammadiyah beliefs and practice today, it has aroused negative response from Muhammadiyah.

<sup>61</sup> Syamsul Anwar, "Fatwa, Purification and Dynamization: A Study of Tarjih in Muhammadiyah," *Islamic Law and Society*, 12: 1, 28-44.

<sup>62</sup> Kiai Mas Mansur was born in Surabaya, East Java. Considering his role in initiating the Majelis Tarjih and formulating some important documents for Muhammadiyah, many view him as an ideologue for Muhammadiyah. Interestingly, before his membership in Muhammadiyah, Mas Mansur was co-founder of a traditionally-oriented Islamic group called Tashwirul Afkar along with Kiai A Wahab Chasbullah, one of the most important

Provincial Board and Muhammadiyah Central Board. The initiative to set up this special council on Islamic law emerged in the sixteenth Muhammadiyah Congress in Pekalongan, Central Java in 1927, although this council was only formalized in the subsequent year in the Yogyakarta Congress. Mas Mansur viewed that the establishment of councils responsible for the formulation and solving of new problems within Muslim society was urgently required by Muhammadiyah. This proposal was based on the case of Muhammadiyah in East Java, where members were often distressed by unresolved debates which often involved tensions over *furū'*, especially those relating to rituals.<sup>63</sup>

Mansur proposed three nomenclatures-*Majelis Tasyri'* (the legislative council), *Majelis Tanfidz* (the executive council), and *Majelis Taftisy* (the judicative council), which could be parallelized with the principle of *trias politica* in a modern state. However, instead of adopting all or one of these, the council was named *Majelis Tarjih*. Based on *Qaidah Lajnah Tarjih* issued by Central Board of Muhammadiyah in 1971, *Majelis Tarjih* is responsible for a) investigating and understanding knowledge of Islam in order to guard its purity b) formulating guidance in matters of faith, ethics, ritual and relationship among human beings c) issuing *fatwa* and advice, both on request or otherwise when the *fatwa* is deemed urgent d) facilitating differences of opinions and understanding in the field of religion in order to

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minds behind the foundation Nahdlatul Ulama' in 1926. Due to some principle disagreements with Chasbullah, he finally left Tashwirul Afkar and joined Muhammadiyah. Mansur was appointed the first chairman of Majelis Tarjih and subsequently chairman of Muhammadiyah central board. See Syaifullah, *K.H. Mas Mansur, Sapukawat Jawa Timur* (Surabaya: Hikmah, 2010). See also Darul Aqsha, *Kiai Haji Mas Mansur, 1896-1946: Perjuangan dan Pemikiran* (Jakarta: Erlangga, 2005).

<sup>63</sup> Wawan Gunawan Abdul Wahid, "Tajdid, Manhaj Tarjih, dan Produk Hukum Majelis Tarjih", *Suara Muhammadiyah*, Number 05/09, 1-15 March 2014, 18-19.

achieve *al-maslaha* and e) improving the quality of *ulama*.<sup>64</sup> Mulkhan surmised that the main responsibility of *Majelis Tarjih* is to decide on the legal status of any issues disputed among *umma* in the practice of religion.<sup>65</sup>

*Tarjih* also refers to specific term in the study of the textual basis of Islamic law (*dalil*). It is a method of examining texts when divergent or even contradictory textual basis occur on any particular issue. In the context of philosophy of Islamic law (*ushul al-fiqh*) this is known as *ta'arud al-adilla*.<sup>66</sup> Popular examples of *ta'arud al-adilla* include the waiting period of (*idda*) for woman whose husband are deceased and *riba* (usury). On the first issue, for instance, two Qur'anic verses appear contradictory. The first is al-Baqarah 234 which states to the effect that for women whose husbands have passed away, their *idda* is four month and ten days. The other verse, al-Thalaq verse 4, rules that women whose husbands have passed away while they are pregnant, the *idda* is up to the time of birth.<sup>67</sup> On usury (*riba*), two *hadith* exist which are viewed as contradictory. The first qualifies that only *riba nasi'a* (usury resulting from debt) is forbidden (*haram*). However, the other *hadith* forbids barter trading except involving goods of the same value which

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<sup>64</sup> Majelis Tarjih PP Muhammadiyah, *Qaidah Lajnah Tarjih Muhammadiyah* (Yogyakarta: Majelis Tarjih PP Muhammadiyah, 1971), 2.

<sup>65</sup> A. Munir Mulkhan, *Masalah-masalah Teologi dan Fiqih dalam Tarjih Muhammadiyah* (Yogyakarta: SIPRESS, 1994), 25.

<sup>66</sup> Theoretically, contradiction among texts (*ta'arud al-adillah*) is possible due to complexity of early Muslim community which referred to the Prophet in attempts to resolve problems. The references to the Prophet are not always valid as it is also possible that Prophet's sayings are used for political purposes. In anticipating this situation, the scholars of Islamic legal philosophy (*al-ushuliyin*) developed a mechanism by which such contradiction could be resolved. Those procedures are: 1) *al-jam'u wa al-tawfiq* (combining and agreement), 2) *al-tarjih* (identifying the most reliable text), 3) *al-Naskh* (abrogation), and 4) *al-Tasaquth* (leaving aside both contradictory texts). See Shalih Salim al-Nihami, *al-Ikhtilaf al-Ushuli fi al-Tarjih bi Katsrati al-Adillati wa al-Ruwati wa Atsaruhu* (Kuwait: Wizarah al-Awqaf wa Su'un al-Islamiyah), Part 2. See also Wahbah Zuhaili, *Ushul al-Fiqhi al-Islamiy* (Damascus: Dar al-Fikri, 1986), 1173-1185.

<sup>67</sup> Wahbah Zuhaili, *Ushul al-Fiqhi al-Islamiy* (Damascus: Dar al-Fikri, 1986), 1174.

can be inferred as a ban on usury resulting from trade.<sup>68</sup> As a method of reconciling contradictory texts, many definitions of *tarjih* have been offered by Muslim jurists as Wahbah Zuhaili and Shalih Salim al-Nihami listed in their books. Nevertheless, regardless of the variety of definitions, *tarjih* basically refers to a mechanism of identifying the most reliable (*arjah*) among two conflicting *dalilain al-dhanniaini* (interpretable textual basis) on specific issues.<sup>69</sup>

By this basic understanding, it can be asserted that *Majelis Tarjih* mainly deals with texts. Implicitly, Anwar acknowledges this fact. Citing Nasr Hamid Abu Zayd who classifies Islam as textual civilization (*hadāra al-nass*), Anwar maintains that such a pattern can also be applied for the Muhammadiyah case.<sup>70</sup> It is unsurprising as a result, that the adoption of term *tarjih* as a name for the council has sparked discussions. Rifyal Ka'bah suggests that the adoption of the term *tarjih* and not *tashrī'* as the name of the designated council is intended to avoid the perception and identification of Muhammadiyah as a law-maker or law-giver (*musharri'*) or more precisely the maker of *sharī'a*. However, Ka'bah values such an intent as an exaggeration. as although *sharī'a* is divinely constructed, at the practical level institutions are responsible for ensuring and managing it in relation to specific context of time and space.<sup>71</sup> In addition, while *sharī'a* law legislated by God is universal, (*mujmal*) in nature, human agencies are required in order

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<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*, 1185-1186.

<sup>70</sup> Syamsul Anwar, "Beberapa Hal tentang Manhaj Tarjih dan Pemikiran Keislaman dalam Muhammadiyah," in in Muhammad Azhar and Hamim Ilyas (eds), *Pengembangan Pemikiran Keislaman Muhammadiyah: Purifikasi dan Dinamisasi* (Yogyakarta: LPPI UMY, 2000), 27.

<sup>71</sup> Rifyal Ka'bah in Afifi Fauzi Abbas,

for it to be applied in different situations.

The leaders of *Majelis Tarjih*, however, offer differing views. The late Ahmad Azhar Basyir, the chairman of Muhammadiyah Central Board between 1990-1994, for instance, explicated that the selection of term *tarjih* refers to specific nature of its assignments, namely to research into more reliable sources and basis in implementing Islamic teachings in the fields of *aqīda*, *ibāda*, and *mu'āmalat*. As such, *tarjih* is not a research and study on the opinions of *ulama'* of the past. Rather, it directly amines and studies the *Qur'ān* and *Sunna*.<sup>72</sup> Similarly, in order to clarify the use of term *tarjih* that might cause misunderstanding, Anwar explains that in the course of time, there have been changes in the meaning of *tarjih*. It is no longer perceived as only a procedure of examining texts, but also includes “intellectual endeavour to study new cases that have not been addressed by earlier jurists”.<sup>73</sup> In short, Anwar concludes, *tarjih* carries an identical meaning as *ijtihad*.

While agreeing with Ka'bah's identification of possible motives behind the adoption of the term *tarjih*, I am inclined to believe that it may be motivated by the credo of *al-rujū' ila al-Qur'ān wa al-Sunna* which unintentionally places texts in a very supreme position. Consequently, *Majelis Tarjih* has basically turned into a medium where the institutionalization of textualism takes place. This claim is based on the observation that most Muhammadiyah members show a scripturalistic tendency towards legal thought pronounced by the *Majelis*. One of the most

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<sup>72</sup> M. Muchlas Abror, “Dinamika Majelis Tarjih”, *Suara Muhammadiyah* 05/99, 28 Rabiul Akhir-13 Jumadil Ula 1435 H, 26.

<sup>73</sup> Syamsul Anwar, “Fatwa, Purificatin and Dynamization...”, p. 33

important pronouncement of *Majelis Tarjih* is a document called *Himpunan Putusan Tarjih* (the compilation of *Majelis Tarjih*'s decrees) popularly known as HPT. This document has been a fundamental and instrumental tool for Muhammadiyah members in dealing with issues in Islamic law, especially relating to rituals. Considering this very important role it plays, it is unsurprising that most Muhammadiyah members show strong tendency to cling on to the HPT. Inevitably, the HPT has also unintentionally dictated the monolithic orientation of Muhammadiyah's principles on ritual issues. As a result, in some cases, when Muhammadiyah members stand on different versions on a point of rituals although it has already been determined based on certain textual basis, internal problems within Muhammadiyah arise. It can be claimed from this point that the institutionalization of the text through HPT has strongly influenced the rigidity of *Majelis Tarjih* in dealing with contemporary problems. In many cases, HPT serves as a standard reference book which will judge whether some thought and practices within Muhammadiyah are faithful to Muhammadiyah doctrines or not.

The recent case which involves Syakir Jamaluddin, a lecturer at the Faculty of Islamic Studies, Muhammadiyah University in Yogyakarta (UMY), illustrates the problem. In 2008, Syakir wrote a book on prayer called *Shalat Sesuai Tuntunan Nabi: Mengupas Kontroversi Hadis Seputar Shalat*.<sup>74</sup> However, trouble erupted as the book is held as not faithful to the *keputusan* of *Himpunan Putusan Tarjih*,<sup>75</sup> although Syakir wrote in his personal

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<sup>74</sup> For more detailed information, see Syakir Jamaluddin, *Shalat Sesuai Tuntunan Nabi: Mengupas Kontroversi Hadis Seputar Shalat* (Yogyakarta: LPPI UMY, 2008).

<sup>75</sup> This information is obtained from Hilman Latief, a lecturer at Faculty of Islamic Studies, Muhammadiyah University of Yogyakarta. The conversation took place in Malang, 29 March 2014.

capacity as an academic and not a member of the movement. Such rigidity is not a new phenomenon. Two decades ago, Mulkhan had suggested for *Majelis Tarjih* to move beyond its textual orientation. He argued that clinging too strongly onto texts will potentially hinder dynamic development of legal thought within Muhammadiyah. Mulkhan rightly predicted this situation:

...it is time for *Tarjih* to uphold more progressive and anticipative activities by conceptualising Islam in a broader sense. If the main orientation of *Tarjih* is constantly placed on the solving of contradictory opinions circulating by identifying the most valid textual basis, its function in guiding and leading society's religious life will not be fulfilled, especially in the face of more rapid and global social change.<sup>76</sup>

Such a tendency will only constrain and impede opportunities to develop alternative religious thought. Moreover, if the discussion of *Tarjih* is confined to what is written in the book of *Himpunan Putusan Tarjih* (HPT), this will not facilitate dynamic engagement and development of new opinions relevant to resolving issues and problems addressed.<sup>77</sup>

The rigidity is becoming much more intense as the institutionalization of *Majelis Tarjih*, by its nature, involves administrative and structural interference. In accordance with the rapid expansion of Muhammadiyah, *Majelis Tarjih* has had to also follow the structure of Muhammadiyah leadership and therefore exists in three levels similar to the movement-central board, regional and district.<sup>78</sup> Although some leaders of *Majelis Tarjih* do not view this structure as reflecting a hierarchical relationship, it still

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<sup>76</sup> A. Munir Mulkhan, *Masalah-masalah Teologi dan Fiqih dalam Tarjih Muhammadiyah* (Yogyakarta: SIPRESS, 1994), v.

<sup>77</sup> Ibid.

<sup>78</sup> See Syamsul Anwar, "Fatwa...", p. 34.

results in some degree of inflexibility of *Majelis Tarjih* in responding to contemporary issues independently. Saad Ibrahim, a *Majelis Tarjih* scholar from East Java, explains that all these boards are basically independent in producing their own thought without need for any approval from the central board as long as the *fatwa* or any kind of Islamic legal thought they produce is practiced within the confine of their area of authority.<sup>79</sup> However, it should also be emphasized that decisions made by the lower structure cannot contradict the decision or *fatwa* issued by *Majelis Tarjih* central board.<sup>80</sup>

Two types of legal pronouncements are issued by the *Majelis* --the *keputusan* (decree) and *fatwā*. These two types of pronouncement are processed through different mechanism. A *keputusan* is issued through a *Majelis Tarjih*'s National Conference called *Musyawarah Nasional (Munas Tarjih)* which involves *Majelis Tarjih* structures at the provincial level across Indonesia as well as *Majelis Tarjih* personals at the central level. Before a *keputusan* is achieved in the *Munas* and announced to Muhammadiyah members, it has to be sent to the central board of Muhammadiyah for approval. On the other hand, the process for issuing a *fatwā* is much more flexible, simpler and more frequent. Fuad Zein, a member of the *fatwā* division of *Majelis Tarjih* informs that the *fatwā* of *Majelis Tarjih* are generally proceeded by questions. Prior to its weekly meetings, a member of the division will be assigned to prepare a draft of the *fatwa* to be discussed at the meeting. When agreement is reached at the meeting, the *fatwā* is then published in *Suara Muhammadiyah* an official magazine of Muhammadiyah

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<sup>79</sup> Interview with Saad Ibrahim, in Malang,

<sup>80</sup> Syamsul Anwar, "Fatwa...", p. 35.

published on a regular basis. In certain instances the *fatwā* is sent directly to questioners.<sup>81</sup> The differences between these two legal pronouncements are that while the *keputusan* is binding on Muhammadiyah members, the *fatwā* is not. Furthermore while the status of *keputusan* is indisputable, there are different perceptions regarding *fatwā*. Zein maintains that all *fatwā* issued by the central board of *Majelis Tarjih* can be regarded as the *fatwā* of Muhammadiyah.<sup>82</sup> However, Saad Ibrahim of Muhammadiyah Provincial Board of East Java, believes that a *fatwā* can only be considered as the decree or formal stance of Muhammadiyah if it has been discussed at the national level forum.<sup>83</sup> In the domain of religious matters, *Majelis Tarjih*'s pronouncements deal with two dimensions: practical guidance and discussions on Islamic thought. The first deals with practical issues raised by members of the community and is legally binding, while the second is discourse, dialogue and theory aimed at widening the horizon of thought and not designed as binding legal provisions like the first.<sup>84</sup>

In a formal sense, in producing its legal thought in whichever form, *Majelis Tarjih* cannot deviate from some fundamental principles defined by Muhammadiyah. These include the principles of *al-ruju' ila al-Qur'an and Sunna* (referring to the *Qur'an* and *Sunna*), *ijtihad*, and non-*madhhab* Islam. It can be said that these doctrines differ from Nahdlatul Ulama' which consciously declare *taqlid* as one of its methods in observing Islamic

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<sup>81</sup> Interview with Fuad Zein, member of Fatwa Division, Majelis Tarjih PP Muhammadiyah, 16 January 2013.

<sup>82</sup> Interview with Fuad Zein.

<sup>83</sup> Interview with Saad Ibrahim, 18 November 2013, in Malang, East Java.

<sup>84</sup> Majelis Tarjih dan Pengembangan Pemikiran Islam PP Muhammadiyah, *Tafsir Tematik al-Qur'an tentang Hubungan Sosial Antarumat Beragama* (Yogyakarta: Pustaka SM, 2000), ix.

teachings. Muhammadiyah on the other hand adopts the principle of *ijtihād*, *ittiba'*, *talfiq* and *tarjih*. *Ijtihād* is defined as full devotion of reason in deducing *sharī'a* law (*ḍanni*) through the employment of certain methods by those who are capable and competent both in methods and the substance of the problems.<sup>85</sup> *Ittiba'* is defined as following the opinions of *ulama'* accompanied by knowledge and awareness of arguments and basis of certain opinions.<sup>86</sup> *Talfiq* combines opinions of *ulama'* on certain issues. For Muhammadiyah, *talfiq* is acceptable provided it involves comprehensive examination through the process of *tarjih*. Furthermore, methodologically, Muhammadiyah also adopts the specific approach of *bayani* (textual) and *burhani* (demonstrative).

While these differences in doctrine and credo between Nahdatul Ulama' and Muhammadiyah cannot be ignored, as styles of thought or mode of thinking very little distinction, if any exists between them. In some ways, streaks of traditionalism are not absent in law or *fatwā*-making. Through the MT, Muhammadiyah promotes the culture of clinging firmly to interpretations of *ulama'* even if the system of making pronouncements and *fatwā* are not bound to a chain of classical authorities confined to a specific *madhhab*. Its appropriation of the principle of *ijtihād* is also not unfettered by rulings and interpretations of meanings that have been attributed to *Qur'ān* and *Sunna* by selective authorities. Institutionally as well, the determination of rulings which cannot contradict the central board's reflects the imperative

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<sup>85</sup> Keputusan Munas Tarjih XXV, tentang Manhaj Tarjih dan Pengembangan Pemikiran Islam.

<sup>86</sup> See Keputusan Munas Tarjih XXV tentang Manhaj Tarjih dan Pengembangan Pemikiran Islam, chapter 3, point a.

to adhere strictly to determinations of the higher agency within the structure of the council.

As has been discussed earlier, the dynamic of *Majelis Tarjih* closely relates to availability of *ulama'* in this organization. As criticism of the lack of *ulama* in Muhammadiyah is pervasive, this implies that the dynamics and quality of Islamic legal thought produced by *Majelis Tarjih* are often questioned. In the attempt to confront this criticism, a significant change took place in 1995 when Muhammadiyah held its congress in Aceh. The *Majelis Tarjih* was assigned with new responsibilities as the accelerator of intellectualism within Muhammadiyah. This is marked by the change of its formal name to *Majelis Tarjih dan Pengembangan Pemikiran Islam* (MTPPI) under the leadership of Amin Abdullah. The selection of Amin Abdullah, according to Ahmad Syafii Maarif, is based on the strong proposal that Muhammadiyah should be incisive in showing its intellectual face.<sup>87</sup> To certain extent, this proposal proved to be effective. In the period 1995-2005, MTPPI reoriented *Tarjih*. Amin Abdullah's leadership during this period resulted in significant positive developments. The most important amongst them is the formulation of *Manhaj Tarjih* (the methodology of *tarjih*). The official document states as follows:

The need to improve the *manhaj* (method) of Islamic thought within Muhammadiyah is on the one hand, a necessity in view of the intensity and extent of progress in social life. On the other hand (this need) is an acknowledgement of the historical process and its implications on thought. The *manhaj* is a methodological framework in formulating ideas and procedures in dealing with them. It contains

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<sup>87</sup> Ahmad Syafii Maarif, "Keniscayaan Kebebasan Berfikir dalam Muhammadiyah", paper presented at Muhammadiyah Up-date Seminar, Center for the Study of Islam and Philosophy, Muhammadiyah University of Malang, 22 May 2010.

fundamental assumptions, principles, methodology and its operation. It is comprehensive, flexible, functional, tolerant, open, and responsive to scientific and social development.

Muhammadiyah as a religious movement is featured by its socio-cultural character, its dynamism in responding to developments in society by referring to Islamic teachings (*al-rujū' ila al- Qur'ān wa al-Sunna al-Maqbūla*). While on the other hand, Islam provides normative reference for current problems, its teachings have to be applied in specific socio-historical contexts. This mission of the movement necessitates it to produce ideas, review as well as reconstruct its *manhaj*.

The combination of awareness and endeavours to cope with the problem of intellectual stagnation within Muhammadiyah has resulted in the formulation of new method by *Majelis Tarjih* called *Manhaj Tarjih dan Pengembangan Pemikiran Islam*, and publication of a book on interreligious social interaction titled *Tafsir Tematik al-Qur'an tentang Hubungan Sosial Antarumat Beragama*.<sup>88</sup> However, this endeavour has ended in controversy, as *Majelis Tarjih* during this period was viewed as reviving liberal thought by dominant agencies within Muhammadiyah. The culmination of this controversy was the replacement of the name of MTPPI to *Majelis Tarjih dan Tajdid*.<sup>89</sup> Therefore, from the institutional points of view, Amin's attempts were not really successful. Despite the importance of the reformulation he pioneered, *Majelis Tarjih* under him was perceived to have deviated significantly from its ideal role and position. Some describes this as

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<sup>88</sup> Majelis Tarjih dan Pengembangan Pemikiran Islam PP Muhammadiyah, *Tafsir Tematik al-Qur'an tentang Hubungan Sosial Antarumat Beragama* (Yogyakarta: Pustaka SM, 2000).

<sup>89</sup> Ahmad Syafii Maarif, "Keniscayaan Kebebasan Berfikir dalam Muhammadiyah", paper presented at Muhammadiyah Up-date Seminar, Center for the Study of Islam and Philosophy, Muhammadiyah University of Malang, 22 May 2010.

“*pengembangan pemikiran Islam*” (the improvement of Islamic thought). As a result, in the 2005 Congress, the phrase was erased from the formal name of the council and the new name of *Majelis Tarjih dan Tajdid* was offered instead. This saga is pertinent in understanding the transformation of Muhammadiyah’s legal thought which for most of part was dominated by the ideology of puritanism, revivalism and elements of traditionalism manifested in its text bound tendency and the fetters of confinement to selective rulings and interpretations of *ulama*’ based on its credo of going back to the *Qur’ān* and *Sunna*.

#### **E. *Fatwa* and Social Change in Muhammadiyah**

I shall now present *fatwā* of *Majelis Tarjih* in order to examine the mode of thought and religious orientation of *Majelis Tarjih* and how they are reflected in dealing with empirical problems that have arisen within society. Numerous *fatwā* have been issued in the post-New Order period by *Majelis Tarjih*. The abundance of the *fatwā* is in response to the large number of requests for *fatwā* from Muhammadiyah members across Indonesia. Of these *fatwā* relating to rituals predominate. However for purposes of this thesis only *fatwā* which have direct social implications will be examined.<sup>90</sup> These *fatwā* can be categorised as follows: *fatwā* pertaining new scientific

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<sup>90</sup> Besides the fact that all the fatwa issued by Majelis Tarjih are published in *Suara Muhammadiyah*, a fortnightly magazine published by Muhammadiyah Central Board and six volumes on *Tanya Jawab Agama*, all the fatwa discussed here are derived from the archive of Majelis Tarjih and Tajdid PP Muhammadiyah’s office in Yogyakarta. The document is in the form of computer files which can be easily printed. The reason for this is that the archive lists fatwa in a chronological order, while the compilation lists the fatwa in a more thematic order which covers wide periods extending beyond the purpose of this research. I thank Amiruddin, staff of Majelis Tarjih and Tajdid in Yogyakarta office, for providing me with the copy of the fatwa.

inventions and discoveries; *fatwā* relating to the family; *fatwā* on inter-religious relation; *fatwā* on women and gender relation; *fatwā* relating to socio-political issues and *fatwā* relating to Islamic economics.

### *Scientific Invention and Discoveries*

In 1999, *Majelis Tarjih* issued a *fatwā* in response to a question on the legality of marriage via telephone, marriage between parties infected by HIV, and mechanical slaughtering of animal. These three distinct issues were discussed simultaneously in one *fatwa*. On the first question, *Majelis Tarjih* argued that wedding solemnisation through phone calls cannot be accepted from the perspective of Islamic law. It maintains that marriage is a physical and spiritual bond between men and women which is preceded by an agreement (*'aqd*). In the case where the groom and bride are geographically separated, the marriage cannot take place via the phone as Islamic law has provided for conditions for solemnisation through a person who represents either one of the parties (proxy).

In the case of marriages between HIV-infected couple, the *fatwā* asserts that there is no barrier to such a marriage provided that the terms and condition of marriage are met. The most important point in this marriage is that both parties must be HIV-infected. Two justifications for this *fatwā* were adduced. The first is the Qur'ānic verse Sura al-Nur, verse 26 which states: *Vile women are for vile men, and vile men for vile women. Good women are for good men, and good men for good women; such are innocent of that which people say: For them is pardon and a bountiful provision.*

In addition, the Islamic legal maxim that acts which have the least

harmful effects is more favourable (*irtikabu akhaffu ɗararain*) was also cited in support. The *fatwā* strongly advised that such a couple should not have any offspring, as this would incur risks of harm on their lives.<sup>91</sup> On the issue pertaining to animal slaughtering, the *fatwā* in question did not deal with the legal status of mechanical slaughtering but on the issue of reciting *basmala* in the ritual.

Subsequently in 2002, Muhammadiyah issued a *fatwā* on the determination of the new month in the lunar calendar. This controversial *fatwā* was not issued for the first time. As is widely known, Muhammadiyah adopts the method of *ḥisāb* in determining the beginning of new month in lunar calendar which differs from the practice by Nahdlatul Ulama'. The *fatwā* maintained that since its inception in 1912, Muhammadiyah has attempted to harmonize the ideal dimension of revelation with real conditions of human civilization. The first dimension is *al-rujū' ila al-Qur'ān wa al-Sunna*, while the second is the core of Islamic thought in Muhammadiyah. In the light of this objective of attaining harmony, the *Himpunan Putusan Tarjih* decided that *al-sūmu wa al-fitru bi al-ru'yati wa la mani'a bi al-ḥisāb*, i.e. that ritual of fasting and celebration of Ied determined by *ru'ya* and *ḥisāb* simultaneously is not prohibited. Nevertheless, it is pertinent to note that empirically Muhammadiyah has never practiced *ru'ya* or using bare-eyes in determining the beginning of Islamic calendar (Ramadan, Shawal and Dhulhijja). This is because it believes that the teaching of Islam is not narrow, and as such *ḥisāb* should be adopted as the method of determining the

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<sup>91</sup> Fatwa Number 3/1999. This fatwa is also published on *Suara Muhammadiyah Magazine*, No. 1 Year 84/1999.

beginning of the new month.<sup>92</sup>

Apart from these, in 2005 *Majelis Tarjih* issued a *fatwā* on artificial insemination and human cloning which can be considered controversial issues discussed by Muslim scholars in Indonesia. The important question raised is whether Islam allows man to transcend the bounds of destiny determined by God by using scientific technological inventions in matters of health as instanced by artificial insemination and cloning for those who are unable to bear children. The *fatwā* affirms the validity of in-vitro fertilisation. However it confined the permissibility of this practice to couples who are validly married to one another. This means that only the sperm and ovum belonging to the same married couple can be used and inserted into the uterus of the wife. In justifying this *fatwā*, the *Majlis* referred to two verses from the *Qur'ān* namely: Sura al-Nisa' verse 21, which states: *How can you take it (back) after one of you has gone in unto the other, and they have taken a strong pledge from you?* In addition, the *fatwā* also cited Sura al-Baqara verse 223 which stipulates: *Your women are a tilth for you (to cultivate) so go to your tilth as you will, and send (good deeds) before you for your souls, and fear Allah, and know that you will (one day) meet Him. Give glad tidings to believers, (O Muhammad).*

The *fatwā* deems *ḥarām* cases where the fertilised egg is inserted into another wife's uterus (in case that a man is married to more than one women). The same *fatwā* also pronounced on the status of human cloning. In the view

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<sup>92</sup> Fatwa Number 05 B, 2002. This fatwa is published on *Suara Muhammadiyah*, Number 5, 87/2002. Other than the fatwa on this issue, Muhammadiyah also published a book explaining Muhammadiyah's preference for hisab and the principles of its method. See Majelis Tarjih dan Tajdid PP Muhammadiyah, *Pedoman Hisab Muhammadiyah* (Yogyakarta: Majelis Tarjih dan Tajdid PP Muhammadiyah, 2009).

of *Majelis Tarjih*, human cloning is *ḥarām* (forbidden). This is based on the principle that the birth of humans has to be in accordance with the law of nature which in Islamic lexicon is known as *sunnatu-Llah*. Furthermore, a human being is born with the qualities of God's best and honoured creatures (Sura al-Tīn: 4), (Sura al-Isrā': 70). The goal of life for humans is to attain happiness both in worldly life and in the hereafter (Sura al-Baqara: 201), as vicegerents of God on earth (Sura al-Baqarah: 30). In order to achieve this goal of life, human beings have to devote their lives to God through *'ibada* (worship) (Sura al-Dhariyat: 56). *'Ibada* is defined by *Majelis Tarjih* as obedience to God, doing good for humans, and protecting nature from destruction.

The final *fatwā* of *Majelis Tarjih* relating to scientific discoveries and invention occurred in 2008. It pertains to the legal status of marriage solemnisation through video conferencing. Arising from advancement of technology, this is an example of a practice which does not have precedence in the past. Departing from *Majelis Tarjih*'s response to a similar issue in 1999, this *fatwā* opined that wedding solemnisation through video conferencing is valid in the eyes of Islam. It maintains that in Islam, marriage is a process which consists of the guardian (*wali*) of a bride consenting to the marriage of his daughter called *ijab*. The groom accepts the offer (*qabūl*) by the guardian. The *ijab-qabūl*, therefore, is an essential aspect of the solemnisation. It requires four conditions, namely: the *ijab* and *qabūl* done in one place or forum; compatibility of *ijab* (consent) and *qabūl* (acceptance); non withdrawal of the consent before acceptance by the groom and solemnisation taking effect immediately and not postponed to a future

date.<sup>93</sup>

Although one of the requirements mentions that *ijab-qabūl* has to be done in one place or one forum, *Majelis Tarjih* interpreted this condition more widely, not confined to a physical sense. It allowed for the solemnisation to take place simultaneously although in different places. In the past, this has been practiced and agreed upon by *ulama'* although via traditional medium such as by letters or proxy. In consideration of this, the *fatwa* concluded that the more advanced technological invention such as video conferencing which enables both parties to communicate and interact simultaneously in real time, offers a much more reasonable alternative. For this reason, *Majelis Tarjih* views that wedding solemnised through video conference is acceptable and valid.

On the whole these *fatwā* are generally positive. The *fatwā* give overriding recognition to the well-being of humans. It upholds human life and dignity of man and appropriate modern scientific knowledge to enable Muslims to adapt to and utilise the benefits of scientific knowledge with the aim of improving their condition. They also reveal efforts to facilitate improvement in human condition and alleviate hardship without being trapped by rulings established in the past. Nevertheless in arriving at its rulings, the basis of *fatwā* remains confined essentially to selective interpretations from verses from the Koran it deems relevant to analysing the problems at issue. The principles extracted from these verses are not always clearly explicated. Furthermore the *fatwā* do not engage with nor draw upon principles and ideas within contemporary ethical discourse on these issues

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<sup>93</sup> Fatwa Majelis Tarjih Muhammadiyah No. 24, 2008.

such as those pertaining to In-vitro fertilization and cloning prevalent in the Muslim world and beyond. The implications of these practices on society are also not investigated. Based essentially on theological viewpoints, the *fatwā* cannot therefore be of universal relevance beyond the community of the members of Muhammadiyah. In these respects, the *fatwā* can be considered as revealing streaks of traditionalism. Even the *fatwā* on *ru'ya* verses *ḥisāb* do not delve systematically into their social implications in the context of modern societies that demand planning and precision in meeting their socio-economic needs.

Apart from the manifestations of traditionalism in the above *fatwā*, the *fatwā* on solemnisation of marriage via video conferencing also reveals inconsistency with the 1999 *fatwā* on validity of marriage via the telephone. The difference may well reflect competing modes of thinking amongst agencies responsible for *fatwā* making within *Majelis Tarjih*. While the later fatwa mirrored greater openness in revaluing traditions and rulings of the past in determining the idea of place in effecting marriage, the earlier *fatwā* tended to adopt legal opinions of the past in spite of changes induced by scientific innovation.

#### *Fatwa relating to Family Matters*

In 2007, *Majelis Tarjih* responded to a question on *nikah sirri*, a marriage which is not officially registered. The *fatwā* pronounced that it is obligatory for Muhammadiyah members to register their marriage as many benefits can be derived from marriage registration which includes clarity of status for both parties with all its legal consequences. In defining the status of

*nikah sirri*, *Majelis Tarjih* describes the evolution of the practice of registration of marriage in the history of Islam. It revealed that the term *nikah sirri* is known during the era of Imam Malik, the founder of the Maliki school of law. However, the meaning of the term differs from its usage in contemporary context. In its older meaning, *nikah sirri* means a marriage which has met all requirements according Islamic law, namely *ijab qabūl* between two consenting parties and witnesses. However, witnesses are required not to declare the marriage publicly. In other words it is a marriage which is not accompanied by *i'lan al-nikāḥ* in the form of *walimatu al-'ursh* (wedding reception).<sup>94</sup>

In its current context, especially in Indonesia, this form of marriage satisfies the conditions of marriage such as guardian (*wali*) for the bride and witnesses. However as the marriage is not contracted in the presence of a marriage registrar or *qaḍi* no marriage certificate can be issued to the parties. The *Majelis* maintained that registration of marriage is an aspect of *mu'amala*. Citing Sura al-Baqara verse 282, it states that the agreement should be recorded in writing which in the context is analogous to registration. The verse reads: "*O you who believe! When you contract a debt for a fixed term, record it in writing. Let a scribe record it in writing between you in (terms of) equity.*" Therefore, although marriage registration is not known during the time of Prophet and *ulama'*, *Majelis Tarjih* opined that it is obligatory. Although this *fatwā* supports an innovative practice of contemporary society *Majelis Tarjih* maintains that it is consistent with Islamic values as the change is required to allow for the relevance of Islamic

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<sup>94</sup> Fatwa Majelis Tarjih Muhammadiyah Number 13, 2007.

tradition to the demands of the contemporary society.<sup>95</sup> Similar to the ones above, this outcome of this fatwa appears to contribute to alleviate uncertainty and potential hardship with non-registration of marriage. The outcome in requiring registration of marriage as a necessity in contemporary context of Indonesia would possibly bring about positive social ramifications. However, the feature of traditionalism remains in so far as the *fatwā* relies strongly on selected verses of the *Qur'ān* and their interpretations. The verse quoted specifically relating to debts is extended to encompass marriage without clearly explicating the ground for the extension on the basis of principles. Furthermore, the basis for the fatwa is largely theological and rather isolated from the discourse on circumstances within Indonesia propelling the practice and investigation of their actual effects or consequences within the community. Although such a trajectory is significant in shedding insights into the problem and raising greater awareness of the phenomenon and its consequences this dimension was not adequately addressed in the *fatwā*.

Another significant *fatwā* relating to the family law and family involves the legal status of divorce outside of court.<sup>96</sup> *Majelis Tarjih* stated that such a divorce invalid based on several reasons. Firstly, such a practice does not respect the dignity of women. The *fatwa* explained that in classical *fiqh*, a husband is granted an absolute right of divorce which takes effect the moment it is pronounced. This situation, according to *Majelis Tarjih*

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<sup>95</sup> *Ibid.*

<sup>96</sup> Collin's Dictionary translates talaq as "a form of divorce under Islamic law in which the husband repudiates the marriage by saying 'talaq' three times". See <http://www.collinsdictionary.com/dictionary/english/talaq>.

disadvantages women, undermines the stability of the family, invokes legal uncertainty and threatens the stability of the social order. It maintains that for the sake of *al-maslaha*, a divorce is only deemed valid if it is done through court. In this case, a change in legal provision is adopted by *Majelis Tarjih*, from absolute right of husband to divorce to a divorce that is permitted only through the court.<sup>97</sup>

Islam, the *fatwā* continues, pays great attention to the family as an institution and views it as a sacred institution. Tantamount to this view, Islamic family law regarding marriage uphold that marriage should not be easily dissolved without ample safeguards. Although divorce is *ḥalāl* from an Islamic law perspective, it is detested by God. The *fatwā* also quotes the *Kompilasi Hukum Islam* (KHI), which states that rigorous examination by the court is an essential part of divorce process. The KHI also qualifies that a divorce can only be achieved after the court formally determined so. This *fatwā* is consistent with the aim Muslim law reform pertaining to divorce that have been implemented in many parts of the Muslim world. It endorses safeguards that checks rash and hasty divorce. In some jurisdictions such as Malaysia, pronouncement of divorce outside the court is not only invalid but constitutes an offence. While the *fatwā* is a step towards improving the status of wives, it is also pertinent to note that it fails to deal with the issue of legality of divorce pronounced by husbands without cause. This oversight is revealing for the persistence of traditionalism which does not question a husband's absolute right of *talaq* based on selective inference of certain Qur'ānic verses irrespective of its consequences on stability of the marriage

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<sup>97</sup> Fatwa Majelis Tarjih Number 12, 2007.

institution. The one-sided focus on upholding *ṭalaq* pronounced in court while remaining silent on talk without cause based on the very reasons adduced by the *Majelis* clearly manifests the traits of traditionalism. After all, traditionalists tend to be oblivious to the implications of their thought

#### *Fatwa on Interreligious Relation*

In a pluralistic society such as Indonesia where diversity of cultures and religions interact, marriage between people from diverse cultural and religious backgrounds is basically inevitable. However, this social reality is not generally easily accepted given dominant religious orientations. In responding to this sensitive issue *Majelis Tarjih* upheld in its *ṭalaq* that Muslim jurists agreed that Muslim women are forbidden (*ḥarām*) to marry anyone other than Muslim men. According to its *fatwā*, Muslim jurists are also in agreement that Muslim men are also forbidden (*ḥarām*) to marry women of polytheist faiths such Buddhism, Hinduism, Confucianism and the like. However, they dispute over marriage of Muslim men to women of other monotheist traditions such as Jews and Christians, which in the Qur'anic term are referred to *Ahl al-Kitab* (People of the Book). *Majelis Tarjih* asserts that while some jurists permit such a marriage based on Surah al-Maidah verse 5, some *ulama'* forbid such marriage. Among the major reasons adduced are the following: the current context of People of the Book differ from those who existed in the time of the Prophet, People of the book in the contemporary situation are clearly polytheists who assert that Uzair is the son of God (in Jewish belief) and that Jesus is also the son of God in Christian belief. In addition, it is maintained that interreligious marriage will not realise

happy families (*keluarga sakinah*) which is the main goal of marriage. Furthermore the number of Muslim women has outnumbered those of Muslim men, so the community will not experience the shortage of women. Finally forbidding interreligious marriage is an attempt to prevent destruction (*shadh al-dhari'a*) and guard the faith of Muslim couples and their offspring. In general the *fatwā* reflects dominant traditionalistic mode of thinking opinions.

It is unclear if the *fatwā* issued by *Majelis Tarjih* permits marriage between a Muslim male and a *kitābiyya*. The absence of a precise stand on arguments explicated against such marriage and the concurrence of selective juristic opinions reflects similar elements of traditionalism. The view that it is *ḥarām* for Muslim females to marry anyone but a Muslim male is a case in point. The position stems from the general stance that a husband has authority over his wife. Hence a non-Muslim male should not have guardianship over a Muslim woman which would necessarily be the case if he married here. It is also based on the assumption that a wife is more susceptible to be influenced by her husband than vice versa. Such basis of relationship however may not mirror changes in family relations and expectations of marital life today. As Tahir Mahmood submits, Although Islam has made an improvement by allowing its followers to seek marriage partners among scriptural (*kitābiya*) communities, the traditionalistic interpretation under which the concept of *kitābiya* was greatly restricted, denied women the freedom to marry even those men whose religion were recognised as *kitabī*.<sup>98</sup> More generally the

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<sup>98</sup> Noor Aisha Abdul Rahman, "Non-Muslim Marriage in Singapore", Gavin W. Jones, et.al (Ed), in *Muslim, Non-Muslim Marriage: Political and Cultural Contestations in Southeast Asia* (Singapore: ISEAS, 2009), 301.

fatwa also reflects adherence to circumscribed definition of kitabiyah at the expense of others without justification on the basis of religious values. The position also reveals a belief that presupposes assumptions about the “other” from which conclusions are then made in advance about their ability to achieve the objective of a marriage in Islam. The style of thought allows for justifications based on “self-proclaimed truths instead of attempt to develop principles in support of the ruling. The ruling also fails to discuss laws and practices in other Muslim states, past and present.”<sup>99</sup>

The *Majelis Tarjih* also issued another *fatwā* dealing with Muslim and non-Muslim relation in 2004. The *fatwā* presented some textual basis from Prophetic tradition and empirical evidence from Indonesian context. Furthermore it mentioned that there is an unwritten agreement among religious leaders in Indonesia that Indonesian people of religions are one in difference. By one, it refers to the fact that Indonesians regardless of their religion, attempts to build Indonesia as a society and to realise peace and prosperity for all Indonesian people regardless of their background and identities. However, at the same time, they are different in term of faith, rituals and forms of prohibition within their respective religious tradition. On this difference, it is obligatory for all peoples of religion to respect each other. In this way tolerance and interaction among people of religion can be ensured. This *fatwā* clearly differs from competing mode of thinking of social groups within Indonesian Muslim community discussed in chapter 4.

#### *Fatwa on Women and Gender Relation*

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<sup>99</sup> *Ibid*, p. 22.

In 2009, *Majelis Tarjih* issued a response to a question posed by a Muhammadiyah member on the *aurat* of women. The specific question raised was whether a Muslim woman who lives with a non-Muslim woman in a shared place such as dormitory need to conform to the ruling on *aurat* or whether the situation can be considered as *ḍarurat*. The *fatwā* maintained that principally, Muslim women who experience such a case remain under obligation to cover their *aurat*. The situation does not provide an exception for freely exposing their *aurat*. This *fatwā* illustrate the kinds of constraints women are expected to put up with in adapting to changing conditions.

The *fatwā* on dating is another example of the challenges and problems confronting Muslims in adapting to the demands of social change and the extent to which dominant agencies' mode of thinking facilitate this process. The *fatwā* does not explicate clearly the legal status of dating but is inclined to permit dating under certain circumstances. *Majelis Tarjih* explained that dating can be understood in three ways- free relationship between men and women for the sake of enjoyment; dating in the ways that lead to adultery and dating meant as prelude to marriage. Based on selected readings of texts, *Majelis Tarjih* concluded that dating in the third sense is permitted in Islam. Generally, it is not erroneous to draw from the *fatwā* an unfavourable attitude towards dating unless for purpose of marriage. This sentiment underlying the *fatwā* can be said to reflect continuities with values of modesty and virtue in traditional society. Effectively, it deters gender interaction through dating unless accompanied by the intention of marriage. In actuality the *fatwā* may not be easily implemented as one may not know for sure the direction a relationship will take to avoid dating in the first place.

Traditionalism is also evident in the response to the issue on the permissibility of women involved in social activism. While the *Majelis Tarjih* has positively responded to it, several preconditions abound in the *fatwā*— the woman is able to balance between public and domestic affairs, she has to prioritize domestic over public matters. If the activities of organization are incidental, they should be prioritized over family commitment provided that the commitment is not an essential matter. Furthermore, obtaining permission of the husband is obligatory. At the same time, a husband is obliged to understand that public interest is part of Muslim responsibility under the category *farḍ kifāya* which incurs sins if not responsibly taken up. The *fatwā* also qualifies that if family commitment is incidental in nature, it should be prioritized over organizational activities which are routinely held. Should there be a clash between two incidental activities, the activities with greater benefit should be prioritized. On the whole, it can be said, that the *fatwā* allowing women to participate in society is conditioned by the unstated assumption that her primary role is that of a homemaker. Hence her commitments to public life must be considered against the wishes of her husband as well as the family. At no point should her devotion to the family be compromised by her involvement in society. The *fatwā* clearly mirrors the prevalence of division of roles along gendered lines analogous to traditional society. While many women are educated and have become professionals contributing to society in their own right, the *fatwā* reveals a lack of ample consideration for changing conditions of women and their growing expertise much needed in society.

### *Islamic finance*

Yet another manifestation on traditionalism is the *fatwā* on interest from savings. In 1999, in responding to the question on permissibility of bank interest, *Majelis Tarjih Muhammadiyah* referring to a previous *fatwā* on the same subject, maintained that very low bank interest does not constitute *riba* (usury). Therefore it is permitted to deal with banks. Quoting the *Lajnah Fiqih Islam*, *Majelis Tarjih* also hold the view that banks which apply interest for administrative purposes is not categorized as interests which contain *riba* elements.

While this *fatwā* appears to depart from dominant views which uphold that interest in conventional banks is *ḥarām* in so far as it permits low interest, it does not challenge the predominant view that interest is equivalent to usury. This standpoint is based on selective interpretation of verse of the *Qur'ān* at the expense of other rulings anchored on the same sources without recourse to clear justification on ground of principles. The *fatwā* is also pronounced without consideration for competing views on the problems of perception and implementation of administrative costs as an ethical substitute for interest.

### *Fatwa and Social Issues*

In some respects fatwa issued by the *Majelis* has positive implications on development of the community. It encourages initiatives that have the potential of being useful to society. The *fatwā* on use of almsgiving funds for the purpose of education is a case in point. Almsgiving is a ritual in Islam which takes the form of giving a certain amount of wealth for religious purposes. The *Qur'ān* has defined seven groups of *zakat* recipients. The

question raised is whether the funds can be used for the purpose of public benefit such as building schools or other public facilities. *Majelis Tarjih* argued that using almsgiving fund for such purposes is permitted and is analogous to distribution to recipients namely *jihād fi sabili-Llah*. Here, Muhammadiyah adopts the meaning of the term *jihād*, not as warfare, but struggle and endeavour to enforce religion through the establishment of educational institutions.

Another *fatwā* which is also generally positive if the prohibition of bribery, a common practice in Indonesia which has created adverse consequences among Muhammadiyah members who finally raised this issue to *Majelis Tarjih*. In its response, *Majelis Tarjih* ruled that in general, people involved in bribery by giving any form of inducement to obtain unfair privileges are committing a sin forbidden by *sharī'a*. It asserted that Muslim jurists have agreed that bribery is *ḥarām*. The *fatwā* however attempts to make distinctions between permitted and non-permitted circumstances in which bribery can be resorted in the specific context of entry into the civil service. The *fatwā* distinguished between two groups --those not entitled to certain jobs due to inability to fulfil the qualification and those who are able to meet the requirement, but due to tight competition resort to bribery in order to be selected. For those in the first group, the *fatwā* deems that it is *ḥarām* for them to receive the salary, while it permits the second to receive salary. However, it nonetheless deems the latter guilty of sinning as they have resorted to unfair dealings in bribing the authority. These groups are distinguished from another group involving those who are in some cases entitled and eligible for certain posts in the civil service, but as system

dictates, they are made to pay a certain amount of money or provide some gratification as failure to do so will result in rights being revoked although they have been formally and officially accepted. In such a case, they are permitted to receive the salary and it is *ḥalāl*. The basis of *fatwā* appears to be conditioned by exigent circumstances confronting the individuals involved. Although it takes into consideration hardship or disadvantage suffered by the individual who resorts to bribery in legitimising or prohibiting incomes derived from bribery, the *fatwā* cannot be taken as shedding adequate insights into the phenomenon and its ramifications. While it opposes the practice, the *fatwā* does not reformist in substance in this sense.

The *fatwā* prohibiting smoking cigarettes is another case in point. The *fatwā* was issued by *Majelis Tarjih dan Tajdid*, Central Board of Muhammadiyah (Number 6/SM/MTT/III/2010). It pronounced that smoking cigarettes is prohibited (*ḥarām*) based on several reasons. It maintains that it is an act which attracts *al-khabā'ith* (bad effects) and hence violates the teachings of Islam as encapsulated in the *Qur'ān*, Sura 7: 157. Secondly, smoking cigarette contributes to gradual suicide. Doctrinally, it is contradictory to the Qur'anic principle mentioned in the Sura al-Baqarah verse 195 and al-Nisa verse 29. Furthermore, it endangers both self and others. It also contains substances that are addictive and dangerous although its effects are not felt immediately. Moreover, from a *sharī'a* point of view, smoking cigarette is contradictory to the goals of *sharī'a* (*maqāshid al-sharī'a*) of protecting religion (*ḥifdh al-dīn*), the soul (*ḥifdh al-nafs*), the mind (*ḥifdh al-'ql*), family (*ḥifdh al-nasl*), and wealth (*ḥifdh al-mal*). While this *fatwā* may have positive outcomes on society, the mode of thinking

cannot be said to be reformist. The fatwa does not take into consideration systematic research that has been carried out on smoking and its effects. It is also devoid of consideration for why despite its ill-effects, smoking has not been prohibited in most contemporary societies while raising awareness of its potential harm remains prevalent. The *fatwā* has also not taken into consideration why Muslim states have generally not issued similar *fatwā*. It is such considerations that would have provided a deeper understanding of the phenomenon and its ramifications. The above selection of *fatwā* reveal that fatwa issued by *Majelis Tarjih* encompass diverse problems confronting members of the movement. They provide a glimpse into the mode of thought of dominant agencies and competing orientations within the institution. While Muhammadiyah has been widely acknowledged as puritan and reformist, the *fatwā* selected reveal the predominance of traditionalism although competing orientations do exist to some extent.

To a large extent the approach to *fatwā* as instanced above reveals a preoccupation with validity of legal rulings and problems of sin and damnation common in traditionalist religious discourse. Fuad Zein of *Majelis Tarjih* in Yogyakarta argues that the *fatwā* reflects ritualistic preoccupation within the community.<sup>100</sup> While Zein's observation cannot be denied, it is pertinent to note that as a social movement, the attitude and orientation of Muhammadiyah members are also shaped and conditioned by its elites. In other words, the ritualistic tendency of Muhammadiyah members as reflected in the types of *Majelis Tarjih's fatwā* basically reflects the mode of thought of its leaders.

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<sup>100</sup> Interview with Fuad Zein, in Yogyakarta, 16 January 2013.

The *fatwā* above indicates the capacity of its elites to respond effectively to the challenges of social changes. This in turn strongly hinges on deep understanding of religious traditions as well as modern knowledge relevant to the problems confronting the society. Closely intertwined with this factor is the role of Muhammadiyah's system of education in the cultivation of *ulama'* and the role and position of the *ulama'* within the movement.

In the early period of its inception, Muhammadiyah has amalgamated two polar models of education. As such it has been associated with developing a balanced system of education which gives emphasis to both Islamic and modern knowledge.<sup>101</sup> Its conception of *ulama'* illustrates the point. As Khozin, a scholar of Muhammadiyah University of Malang, asserts:

...(the) perception of Muhammadiyah about *ulama* is one who is well versed in religious sciences as well as knowledge of the modern world. Therefore, Muhammadiyah *ulama'* are those who have deep religious knowledge and are able to deal with any religious issues confronting society. At the same time, they are also able to provide effective response to social, economic and political problems faced by the people. It is this type of *ulama'* which the Muhammadiyah system of education aims to achieve.<sup>102</sup>

However, the cultivation of such an *ulama'* remains a major challenge. Muhammadiyah's understanding of itself as a reform movement has to some extent impeded progress towards achieving this objective. Essentially, its orientation is one that tends to reject tradition as impediment to progress. In the domain of education, the anti-tradition-attitude of Muhammadiyah is

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<sup>101</sup> For more comprehensive discussion on Muhammadiyah education, please refer to Khozin, *Jejak-jejak Pendidikan Islam di Indonesia: Rekonstruksi Sejarah untuk Aksi* (Malang: UMM Press, 2006), 165-186. See also Syarifuddin Jurdi, et.al (eds), *1 Abad Muhammadiyah: Gagasan Pembaruan Sosial Keagamaan* (Jakarta: Kompas, 2010), 246-252; and Hamdan, *Paradigma Baru Pendidikan Muhammadiyah* (Yogyakarta: Arruz Media, 2009), 97-105.

<sup>102</sup> Khozin, *Jejak-jejak Pendidikan Islam*, p. 190.

evidently manifested in the form of relative ignorance of the heritage of classical scholarship which is often referred to as *turath* (legacy). Consequently, educational institutions which function as the centre for *turāth* studies are very limited within Muhammadiyah. Data published on Muhammadiyah's official website reveals this imbalance in Muhammadiyah's education system. Muhammadiyah is currently running as many as 2,604 elementary schools, 1,772 secondary schools, and 1,143 senior high schools. The total figure for all these schools amount to 5,519. At the same time, the number of Islamic boarding schools owned and run by Muhammadiyah ranging from elementary to senior high schools level comprise only 67 or about 1.2 per cent of total number of schools run by Muhammadiyah.<sup>103</sup> Inevitably, this condition has contributed to the lack of religious scholars with adequate mastery of Islamic traditions. Such a criticism has emerged more than two decades ago.<sup>104</sup> While Muhammadiyah education is basically able to produce skilled personalities in many fields of life, education designated to produce *ulama*' is limited to few religious-based schools and *pesantren*.

Ideally, the transmission of Islamic knowledge could basically be carried out in Muhammadiyah universities through the faculties of Islamic studies. However, the universities have not been fully able to play prominent roles in generating *ulama*', especially in *fiqh* within Muhammadiyah. The teaching of development of religious sciences have to be a large extent been marginalised

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<sup>103</sup> Lihat <http://www.muhammadiyah.or.id/content-8-det-amal-usaha.html>. Accessed on 28 February 2014.

<sup>104</sup> Haedar Nashir, "Muhammadiyah dan Transformasi Figur Ulama" in Kelompok Studi Lingkaran (ed), *Intelektualisme Muhammadiyah Menyongsong Era Baru* (Bandung: Mizan, 1995), 55.

within the institution given the demands of industrialisation and competition for acquisition of strategic fields of modern knowledge. Consequently, studies on religion, philosophy, and history have failed to attract strong interest within the universities.

A significant institutional shift which saw the merging of Islamic studies-related faculties into a single faculty in 1990 reflected the growing problem. It was spurred by dwindling student enrolment in the field of religious related studies. The policy has contributed to constraining the depth and extent of curriculum in religious sciences which exacerbates the problem.

In responding to the need for progressive education for *ulama*’, some circles within Muhammadiyah have attempted to initiate programmes to revitalise education for its members in the last four decades. However, generally these programmes could not be sustained to a large extent. The trend in establishing new centres for transmission of Islamic legal knowledge is also manifested in the founding of some *Muhammadiyah Boarding School* (MBS) such as in Yogyakarta; Klaten, Central Java; and in Garut, West Java. However, studies on the effectiveness of these alternative schools in instituting a progressive system of education that facilitates the creation of *ulama*’ relevant for the contemporary world remains wanting.

## **F. Conclusion**

This chapter analyses the genesis of Muhammadiyah as an Islamic movement founded in the beginning of twentieth century. Among the important factors leading to its foundation is the internal socio-economic decline of Indonesian society under imperialism, the penetration of

modernism, and the wave of Islamic reformism in the Muslim world. Its focus on “reform” by attempts at purifying syncretic Islam from elements of local culture and traditions has contributed to the movement being closely identified as both puritan and reformist. However, closer examination of the institutional norms and methods employed in law making by its *fatwā*-making agency strongly reveal elements of traditionalism. The role of this special council, *Majlis Tarjih* responsible for issuing *fatwā* in response to questions raised by members of the movement across Indonesia, is discussed. Founded about fifteen years after Muhammadiyah’s foundation in 1912, *Majelis Tarjih* is believed as have changed Muhammadiyah’s inclination into more *fiqh*-type of Islam. This chapter examined a selection of *fatwā* issued by the *Majelis* in the post New Order period. It maintains that traditionalism in the mode of thinking conditioning fatwa is predominant even though some of the *fatwā* issued are generally useful in improving the well-being of the community.