

Contextualization of Ulil Amri's Verses Regarding Compliance with Government in Determining the Beginning of Hijriyah Month in Indonesia

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Abstract

This article explores the concept of ulil amri in the Quran and its relevance to compliance with the government, particularly in determining the beginning of the Hijri month in Indonesia. The concept of ulil amri encompasses various leadership roles such as khalifah, imam, wali, malik, and sultan, with significant implications in both religious and governmental contexts. The primary focus is on the Indonesian government's efforts, through the Ministry of Religious Affairs, in determining the start of the Hijri month involving methods like rukyat and hisab. As a library research study, it is descriptive-analytical, presenting data on sababnuzul, interpretations, and the historical chronology of ulil amri. The article also outlines the chronological and procedural map of the ijihad of scholars and leaders (umara') in Indonesia concerning the determination of the beginning of the Hijri month through the istbat session. It becomes apparent that there are differences in interpreting the term ulil amri, meaning obedience to the government, especially in the realm of worship, such as the determination of the beginning of the month, impacting the implementation of religious practices and the harmony of the Muslim community in Indonesia.

Keywords:

Ulil Amri; Compliance; Determining Month

Introduction

The Quran as the sacred scripture of the Islamic community encompasses various aspects of life and provides guidance for its followers in navigating everyday existence. It addresses not only vertical matters, such as theology, creed, and

worship, but also horizontal dimensions, including interactions among individuals in societal, national, and governmental contexts. This extends to concepts of governance and leadership. In the Quran itself, the terms for a leader or authority figure in a region are expressed through various phrases, notably the term "ulil amri," marked by verses instructing obedience to the legal policies they establish.

The issue of leadership in Islam has traversed a lengthy history, giving rise to diverse theories and interpretations. Nevertheless, the role of a leader remains crucial for the Islamic community. Similarly, in Indonesia, although it is not an Islamic state, the majority of its population is Muslim. The characteristics and exemplary life of Prophet Muhammad serve as a basis for positioning and understanding leaders. Focusing on the term "ulil amri," which appears twice in the Quran, this term has various interpretations regarding the authority it holds. However, interpretations of this term play a central role in the context of society's compliance with government decisions and policies, especially in religious matters like determining the start of the Hijri month in Indonesia.

The commencement of the Hijri month is fundamental for determining the timing of religious practices such as the start of Ramadan fasting, celebrating Eid al-Fitr, Eid al-Adha, or even significant religious events like the Isra' Mi'raj, Prophet's Birthday (Maulud Nabi), Islamic New Year, and more. Thus, compliance with the government's determination on this matter holds significant implications for the unity of the Muslim community in carrying out religious practices and celebrations collectively.

In this context, this research aims to examine the concept of "ulil amri" in the Quran and explore the extent to which this concept can be contextualized concerning the obedience of the Muslim community in Indonesia to the government's decisions regarding the beginning of the Hijri month. The objective of this study is to gain a deeper understanding of the relationship between the concept of "ulil amri" in the Quran when linked to religious jurisprudence (ijtihad) in Indonesia.

Method

This research employs a literature review approach, utilizing library resources such as books and documents. The article takes on a descriptive-analytical nature, meaning that it will present data in the form of thematic verses related to "ulil amri" from the aspects of *sabab nuzul* (occasion of revelation), various interpretations, and historical accounts. In the context of the issue concerning the determination of the beginning of the Hijri month in Indonesia, the article will also provide an exposition of the chronological timeline and *ijtihad* employed by scholars and leaders before reaching decisions through the *istbat* session mechanism. Consequently, an analysis will be conducted on the contextualization of the concept of "ulil amri" concerning the community's compliance with the outcomes of *istbat* sessions in Indonesia.

Ulil Amri in the Quran

The term "ulil amri" is a combination of two words, namely the word "ulu," which means to have, and this word is synonymous with "dzu," and its mention is always in the form of *idhafah*,¹ such as *ulul albab*, *ulunnuha*, and so on. The word "al-amri" means a command that takes the form of a plural noun, *awamir*, and can also be interpreted as affairs that take the form of a plural noun, *umur*. This word, with its various meanings and derivatives, is mentioned up to 169 times in the Quran.² However, in the combined form of the two words above, the Quran mentions it only twice, namely in Surah An-Nisa, verse 59:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَى الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا ٥٩

And is also mentioned in Surah An-Nisa, verse 83 in the Quran:

¹ Ahmad Warson Munawwir, *Kamus Al-Munawwir* (Surabaya: Pustaka Progresif, 2002), hlm 49.

² Muhammad Fuad Abdul Baqi, *Al-Mu; Jam Al-Mufahras Li Alfadh Al-Quranil Karim* (Kairo: Dar al-Hadis, n.d.), hlm 76-79.

وَإِذَا جَاءَهُمْ أَمْرٌ مِّنَ الْأَمْنِ أَوْ الْخَوْفِ أَدَّاعُوا بِهِمْ ۗ وَلَوْ رَدُّوهُ إِلَى الرَّسُولِ وَإِلَى أُولِي الْأَمْرِ مِنْهُمْ لَعَلِمَهُ الَّذِينَ يَسْتَنْبِطُونَهُ مِنْهُمْ ۗ وَلَوْلَا فَضْلُ اللَّهِ عَلَيْكُمْ وَرَحْمَتُهُ لَاتَّبَعْتُمُ الشَّيْطَانَ إِلَّا قَلِيلًا ۝ ٨٣

The context of the revelation of Al-Nisa 59 has two versions: first, as documented by Al-Suyuthi based on the narration of Imam Al-Bukhari, namely when Abdullah bin Hudzafah was appointed by the Prophet as a leader in the military expedition (sariyyah).³ In a particular situation, due to his anger, Abdullah bin Hudzafah ignited a fire and ordered his troops to enter into the flames. There was hesitation among his troops upon hearing this command, leading them to seek an audience with Prophet Muhammad (peace be upon him). Upon hearing the accounts from the companions, Prophet Muhammad said, "If you had entered into that fire, there would have been no way out for you forever. Obedience is only in matters of goodness."⁴

Secondly, according to the narration of Imam Ibn Jarir, this verse descended in connection with an incident involving 'Ammar bin Yasir and Khalid bin Walid. At that time, Khalid bin Walid was the leader of a military expedition intending to launch an attack. During this event, 'Ammar provided security and protection to someone without the orders of Khalid bin Walid, leading to a dispute between them. This disagreement resulted in the revelation of the verse from Allah in Surah An-Nisa, verse 59.⁵

In Ibn Hajar's explanation regarding the first version, it is stated that the emphasis on the story behind this verse is related to differences in opinions within the troops, whether to follow the command of Abdullah bin Hudzafah or not. If they obeyed, the consequence would be death by burning, while disobedience, even though Prophet Muhammad urged the Muslim community to obey their leader, carried its own implications.⁶ This is why, in the subsequent verse, (فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ) (فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ) it emphasizes that if there is a difference of opinion, the solution is

³ "Sariyyah" itself is interpreted as a military expedition not personally led by Prophet Muhammad (peace be upon him). This is distinct from "ghazwah," which is defined as a military campaign led by Prophet Muhammad (peace be upon him).

⁴ Jalaluddin al-Suyuthi, *Lubabun Nuqul Fi Asbab An-Nuzul* (Beirut: Muassasah al-Kutub al-Tsaqafiyyah, 2002) 80-81.

⁵ Ibid.81.

⁶ Wahbah Al-Zuhaili, *Tafsir Al-Munir Jilid III* (Damaskus: Dar al-Fikr, 2009) 128.

to refer to the decision of Allah and His Messenger. In other words, obedience is not absolute and is subject to the guidance of Allah and the teachings of the Prophet Muhammad.

The wording of this verse indeed commands us as Muslims to obey Allah, His Messenger, and the ulil amri. Certainly, the position of ulil amri here becomes highly significant and serves as a principle in Islamic governance. Examining the literal meaning of the verse, the interpretation of ulil amri holds distinct perspectives among scholars of tafsir. Fakhrudin al-Razi declares that ulil amri refers to Ahl al-Halli wa al-'Aqdi, or a group of experts tasked with establishing or nullifying rules. Hence, this verse is considered as evidence for the practice of ijma' (consensus) among scholars.⁷

In addition to addressing obedience, this verse also explains that if there is a difference of opinion or disagreement between the community and the ulil amri regarding religious matters, and no answer is found in the Quran and hadith, the procedure to be followed is through qiyas (analogical reasoning) and ijihad (independent legal reasoning). This verse suggests that if the disputed matter has a legal ruling in the Quran and hadith, then that ruling must be adhered to as the solution to the problem.⁸ And as Muslims, when making decisions, they will undoubtedly consider the effects and implications, particularly in the hereafter, not merely worldly gains.

As for the context of the revelation of Surah An-Nisa, verse 83, as recorded by Al-Suyuthi based on the narration of Imam Muslim from Umar bin Khattab, it occurred when Umar entered the mosque and saw a group of people playing with pebbles (indicating restlessness) while conversing. They were discussing Prophet Muhammad (peace be upon him) who had separated from his wives. At that time, Prophet Muhammad was in a period of seclusion, limiting communication with his wives. The unverified discussion from an unreliable source was immediately refuted by Umar as he stood at the mosque door and loudly proclaimed that the Prophet did

⁷ Ibid. 134.

⁸ Ibid. 134.

not divorce his wives. It was then that this verse was revealed.⁹

Ibn Jarir al-Thabari narrates a different reason for the revelation (sabab nuzul) from the story mentioned above. It is when a group of hypocrites was discussing something during the night. The content of their conversation did not align with what they expressed in front of the Prophet Muhammad, nor did it match the Prophet's words. In the view of Wahbah al-Zuhaili, the version provided by al-Suyuthi seems more plausible as the reason for revelation (sabab nuzul).¹⁰ This implies that the verse was revealed as a admonition not to easily believe in information before verifying it with those in authority and understanding it. In this case, it refers to Prophet Muhammad and the ulil amri (those in authority).

So what is the meaning of "ulil amri" itself? Scholars of exegesis have diverse views regarding the understanding of the term "ulil amri". Among them are:

a. Leaders of Warfare (Sariyyah) in the Time of Prophet Muhammad (PBUH)

According to the opinion of Maimun bin Mihran, this view suggests that "ulil amri" refers to leaders of military expeditions or warfare (sariyyah) during the time of Prophet Muhammad (PBUH). This opinion is based on the observation of the context of revelation (sabab nuzul) in Surah Al-Nisa, verse 59.

b. Jurists (Fuqaha') and Scholars ('Ulama')

In the perspective of Ibn Kathir, "ulil amri" specifically means experts in jurisprudence (fuqaha') and scholars ('ulama'). This opinion is strengthened by several hadiths and the views of other scholars.¹¹

c. Umara' (meaning rulers and leaders)

Al-Thabari, in his commentary, asserts that "ulil amri" refers to Umara' (leaders and rulers). This is based on the hadith of the Prophet instructing obedience to leaders and rulers in obedience to Allah for the good of the Muslim community. Obedience without conditions is to Allah, His Messenger, and is subject to justice when it comes to obedience to leaders. In this context, leaders are those who

⁹ Jalaluddin al-Suyuthi, *Lubabun Nuqul Fi Asbab An-Nuzul* 84.

¹⁰ Al-Zuhaili, *Tafsir Al-Munir Jilid III* 183.

¹¹ Ibnu Kathir Al-Dimasyqi, *Tafsir Al-Quran Al-Adhim Terj Anwar Abu Bakar* (Bnadung: Sinar Baru Algesindo, 2000) 271-272.

manage the affairs of the Muslim community for the general well-being, not for matters of disobedience to Allah.¹²

d. Ulil amri are the Companions of Prophet Muhammad (PBUH)

This perspective comes with various specific explanations. Al-Dhahak states that ulil amri refers to the companions who engaged in preaching and narrating hadith. Ikrimah interprets it as the companions Abu Bakr and Umar (may Allah be pleased with them), based on a hadith stating that Prophet Muhammad urged the community to emulate Abu Bakr and Umar after his passing. Al-Kalbi argues that ulil amri includes the caliphs (Abu Bakr, Umar bin Khattab, Uthman bin Affan, and Ali bin Abi Thalib), as well as Ibn Mas'ud.¹³

e. *Ahlul Hal wal 'Aqd*

As per the contemporary commentator Ahmad Mustafa al-Maraghi, he asserts that "ulil amri" encompasses leaders, judges, scholars, military commanders, and all other leaders in a general sense. It also includes figures who serve as references for the community regarding their needs and general welfare. This broad definition is summarized in "*ahlul hal wal 'aqdi*" – those entrusted with public affairs – who are trusted by the society today. It may include scholars, military leaders, regional leaders, or leaders in various fields such as traders, farmers, journalists, and so on. In issues where there is no explicit religious text or guidance, the decisions of *ahlul hal wal 'aqd*, focused on the common good, should be obeyed, although without coercion.¹⁴

From the various interpretations above, Wahbah al-Zuhaili adds an explanation about the characteristics that must be possessed by ulil amri, which are mandatory to be obeyed:¹⁵

- a. Fulfilling responsibilities with excellence, including the duties and authority held by a leader, is a trust.

¹² Muhammad Ibnu Jarir Al-Thabari, *Tafsir Al-Thabari Jami' Al-Bayan Fi Ta'wil Ayi Al-Quran* (Kairo: Maktabah Ibnu Taimiyyah, 2003) 502-503.

¹³ Abdul Rosyid, "Ulil Amri Dalam Al-Quran (Studi Tafsir Tematik Ayat-Ayat Tentang Ulil Amri)" (Bogor: LPPM STAI al-Hidayah, 2019) 48-49.

¹⁴ Ahmad Musthafa Al-Maraghi, *Tafsir Al-Maraghi Juz V* (Kairo: Maktabah Musthafa al-Babi al-Halabi, 1946) 72-73.

¹⁵ Al-Zuhaili, *Tafsir Al-Munir Jilid III* 143-144.

- b. Administering justice in the establishment of punishments. This is emphasized with an explanation in a hadith that each of us is a leader with the responsibility and obligation to make fair decisions and legal judgments focusing on the welfare of the community.

Moreover, focusing on Surah An-Nisa, verse 83, Wahbah al-Zuhaili explains that if there are issues and problems faced by the community where there is no clear legal ruling in the sacred texts, it is obligatory to conduct *istimbath* and *istidlal* (*ijtihad*) by scholars or those in authority regarding policies.¹⁶ This individual or party is positioned as *ulil amri*, possessing the authority and capability to engage in *qiyas* (analogical reasoning) to derive legal conclusions.

Concept of Understanding Ulil Amri in Governance

Ulil amri in the context of governance can mean a leader, commander, king, or president. However, in Islam, in addition to the term *ulil amri*, the connotation of the leader is conveyed using several other terms, one of which is:

- a. *Khalifah*

The original meaning is behind (*khalf*), and the word is subsequently interpreted as a successor, with the logic that the one who replaces always comes later or afterward than the one replaced. This term is mentioned with all its derivatives 128 times in the Quran, but the specific term "*khalifah*" itself is only mentioned twice.¹⁷ Namely, in Surah Al-Baqarah, verse 30, which has a general meaning that humans are the *khalifah* (successors) of Allah on Earth to care for and empower the entire Earth. Additionally, in Surah Sad, verse 26, it specifically refers to the leaders of the community, judges, or those in authority, as illustrated in the story of Prophet David in that verse. The word "*khalifah*" takes the form of both *jama' khalaif* and *khulafa'*. This term is used in discussions for humanity in general and specifically for believers, while "*khulafa'*" in the Quran is typically used in discussions about disbelievers.

¹⁶ Ibid. 186.

¹⁷ Baqi, *Al-Mu; Jam Al-Mufahras Li Alfadh Al-Quranil Karim* 238-241.

b. Imam

Imam comes from the word "amama," meaning in front, and has the plural form of "a'immah." This term is used to refer to someone who leads in a congregation, meaning they are followed by others in their words, actions, writings, or any decisions. Originally, this term was closely associated with religious dimensions and tended to be rarely used in political terms. However, in later developments, the term is not limited to spiritual leaders or law enforcers but is also used in the context of caliphate (governance) and amirul mukminin (leader of the believers).¹⁸

c. Wali

The term "Wali," in its various forms, carries the meaning of a close companion, authority, ruler, a trusted individual, and protector.¹⁹ The term "Wali" is used several times in the Quran, such as in Surah Ali Imran, verse 28, in the context of prohibiting Muslims from taking disbelievers as "auliya" (protectors, allies, friends).

d. Malik

The term "malik" is derived from the root word "malaka-yamliku," which means to possess, rule, or command. Therefore, "malik" is understood as someone who has the authority to rule and prohibit in governance. Specifically, this term is often used as a king or leader with absolute power. This is evident in the title of the book "*Tarikhul Umam wa al-mulk*" by Ibn Jarir al-Thabari.

e. Sulthan

The word "sultan" means originally to force and control, similar to "malik." However, this term is more frequently used in the context of states employing an absolute monarchy system. Islamic history notes that the term "sultan" is more commonly used in the caliphate systems centered in Damascus (Umayyad dynasty) and Baghdad (Abbasid dynasty) as a means to legitimize a leader.

From the various leadership terms mentioned above, it can be understood that the term "ulil amri" shares similarities while also having differences. This term is

¹⁸ K Jamal, "Terminologi Pemimpin Dalam Al-Qur'an (Studi Analisis Makna Ulil Amri Dalam Kajian Tafsir Tematik)," *Anida'* 39, no. 1 (2014): 118–128, <http://ejournal.uin-suska.ac.id/index.php/Anida/article/view/869>, 124-125.

¹⁹ Munawwir, *Kamus Al-Munawwir*, 1582.

more universal as it encompasses the meanings of khalifah and imam. Ulil amri is a leader who must be obeyed, but with certain limitations and conditions (not in matters of disobedience). This implies that their authority is not absolute. According to al-Mawardi, the legitimacy of an ulil amri is recognized when done through two processes: first, through election and allegiance by ahlul hal wal 'aqd (those entrusted with public affairs); second, by being appointed by the previous ulil amri. Hence, a leader who is an ulil amri is entitled to certain rights, including:

a. Respected and supported by the people

Respecting, honoring, and supporting the leadership of an ulil amri is an obligation in Islam. Any action of degradation, criticism, rebellion, or even anarchic acts against a legitimate government is considered seditious. Kaizal Bay, citing Imam Ibn Jamaah, states that the rights of leaders include receiving respect, honor, and dignity for what Allah has bestowed upon them. Therefore, scholars also emphasize their honor, attending the invitations of ulil amri with humility, modesty, and without greed in the presence of leaders.²⁰ Furthermore, Prophet Muhammad (PBUH) said:

٢٢٢٤ - (حسن) حَدَّثَنَا بُنْدَارٌ، قَالَ: حَدَّثَنَا أَبُو دَاوُدَ، قَالَ: حَدَّثَنَا حَمِيدُ بْنُ مَهْرَانَ، عَنْ سَعْدِ بْنِ أَوْسٍ، عَنْ زِيَادِ بْنِ كُثَيْبِ الْعَدَوِيِّ، قَالَ: كُنْتُ مَعَ أَبِي بَكْرَةَ تَحْتَ مِنْبَرِ ابْنِ عَامِرٍ وَهُوَ يَخْطُبُ وَعَلَيْهِ ثِيَابٌ رِفَاقٌ، فَقَالَ أَبُو بِلَالٍ: انظُرُوا إِلَى أَمِيرِنَا يَلْبَسُ ثِيَابَ الْفُسَّاقِ. فَقَالَ أَبُو بَكْرَةَ: اسْكُتْ سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ أَهَانَ سُلْطَانَ اللَّهِ فِي الْأَرْضِ أَهَانَهُ اللَّهُ». هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ. [«الصحیحة» (٢٢٩٦)].

From Bundar, from Abu Daud, from Humaid bin Mihran, from Said bin Aus, from Ziyad bin Kusaib al-'Adawi who said: I was with Abu Bakrah below the pulpit of Ibn 'Amir, and he was delivering a sermon wearing thin clothing. Abu Bilal then said: Look at our leader wearing inappropriate clothes. Abu Bakrah said: "Be silent, I once heard the Messenger of Allah (PBUH) say: Whoever degrades the rulers appointed by Allah in this world, Allah will degrade him as well." This hadith is classified as *hasan gharib*.²¹

²⁰ Kaizal Bay, "Pengertian Ulil Amri Dalam Al-Qur'an Dan Implementasinya Dalam Masyarakat Muslim," *Jurnal Ushuluddin* 17, no. 1 (2011): 111–123, <http://ejournal.uin-suska.ac.id/index.php/ushuludin/article/view/686>, 121.

²¹ Muḥammad bin Īsā bin Saurah Al-Tirmizī, *Sunan Al-Tirmizī*, II. (Kairo: Jam'iyyah al-Maknaz al-Islāmī, 2018), Kitab al-Fitan bab Ma Ja'a minal Khulafa'i nomor indeks 2224, 503.

b. Obedience to their decisions in matters other than disobedience (maksiat)

Obedience to the government or ulil amri, as explained earlier, is obligatory but with certain limitations. Specifically, this obedience does not extend to matters of disobedience and is not absolute or unconditional. In the text of Surah Al-Nisa, verse 59, it is written *أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَى الْأَمْرِ*, in this text, the command to obey Allah, the Messenger, and ulil amri is connected with the pronoun "wawu" (and). The command to obey is repeated with the imperative verb in relation to Allah and the Messenger, but not in the case of ulil amri. Explicitly, obedience to ulil amri differs from obedience to Allah and the Messenger, which is absolute and binding due to the straightforward use of the imperative verb.

Obedience to ulil amri is conditional and not absolute because ulil amri, being ordinary humans, should be obeyed only if their policy aligns with the provisions of Allah and His Messenger; otherwise, it is not obligatory to obey them.

The Determination of Beginning of the Hijri Month in Indonesia

The beginning of the month in the Hijri calendar significantly differs from the Gregorian calendar. Considering its calculation is based on the Moon's orbit around the Earth, and one complete orbit equals one month (29 or 30 days), determining the start of each month involves counting or observing on the 29th day of the preceding month.²² These steps are crucial because the Hijri calendar plays a significant role in the worship of the Muslim community. It is associated with important religious practices such as the start of Ramadan fasting, the celebration of Eid al-Fitr and Eid al-Adha, as well as recommended acts like fasting in the months of Rajab and Muharram, and the observance of significant Islamic events. In determining the beginning of the Hijri month in Indonesia, at least two methods are employed:

a. Rukyat

The method of rukyat bil fi'li, or actual moon sighting, is generally used by Nahdlatul Ulama', based on the practice followed by Prophet Muhammad SAW and his companions. Although moon sighting in the present day is more

²² Ahmad Izzuddin, *Ilmu Falak Praktis* (Semarang: PT Pustaka Rizki Putra, 2012), 92.

challenging than centuries ago due to light pollution, claims of moon sighting without astronomical data support, or misunderstandings in identifying the crescent moon, these are practical consequences that may arise. This is why the integration of scientific knowledge and technology is considered indispensable. In general, there is an astronomical aspect to the sighting of the crescent moon that serves as a guideline²³:

1. The moon sets before the Sun (the crescent is still below the horizon or negative). In this condition, the crescent moon is impossible to be seen, and testimonies regarding the sighting of the crescent will be rejected.
2. The moon sets after the Sun has set. In this scenario, there is a possibility of the crescent moon being visible, but its altitude above the horizon determines whether it can be observed or not.
3. The crescent moon is visible after sunset. This is not the condition of the beginning of the month but rather the final phase of the ongoing month, although this event is considered rare.
4. Conjunction during sunset in the case of a solar eclipse.
5. The moon sets after the Sun in some regions but not in others. If this occurs within one country, a decision can be made based on the concept of *wilayatul hukmi* (administrative jurisdiction).
6. The moon sets before the Sun in some regions, while in other regions, it is the opposite. In this case, moon sighting can be applied separately to each region.

b. Hisab

In Indonesia, various groups use hisab. Muhammadiyah and PERSIS, for example, use the concept of hisab wujudul hilal, where the crescent is considered to exist if the Sun sets before the moon (moon set after sunset). There is no specific altitude limit in this concept. However, the principle is that after the sunset (*ijtimak*), the crescent moon is considered above the horizon or positive

²³ Dedi Jamaludin, "Penetapan Awal Bulan Kamariah Dan Permasalahannya Di Indonesia" 5729, no. November (2018): 156–171, 161.

regardless of its altitude, within the *wilayatul hukmi*.²⁴ (For Muhammadiyah) or the existence of the crescent moon throughout Indonesia (for PERSIS).

Additionally, there is also the calculation of imkanurrukyah with various methods and developments, including those used by the Ministry of Religious Affairs of the Republic of Indonesia (Kementerian Agama RI) and MABIMS. Imkanurrukyah occurs when the Sun sets after the occurrence of *ijtimak*, and at that time, the crescent moon is possibly visible (*rukyat*). In this case, the reference used is the criteria for the visibility of the crescent moon.

The criteria used by the Ministry of Religious Affairs of the Republic of Indonesia since the beginning of Ramadan 1443 Hijriyah are based on the latest MABIMS criteria referred to as Neo-MABIMS. In this criterion, it is stated that the crescent moon can be observed if ²⁵: (a) Minimum elevation of 3 degrees; and (2) Moon elongation (angle between the Moon and the Sun) of 6.4 degrees

The differences in methods used for determining the beginning of the month are the potential sources of variations in establishing the start of the lunar month in Indonesia. Although it may not always occur, the potential for differences has increased since the criteria for the moon's elevation were updated. In Indonesia, the decision regarding the commencement of the month falls under the authority of the Ministry of Religious Affairs through the mechanism of the *istbat* session.²⁶ Previously, the report on the results of *hisab* (astronomical calculations) and *rukyat* (visual sighting) throughout the region became the material for the *istbat* session and involved various elements, including the Indonesian Ulama Council (MUI), religious organizations (NU, Muhammadiyah, PERSIS, and others), academics from

²⁴ The term "*wilayatul hukmi*" itself means that if the crescent moon is sighted in one region of Indonesia, for example, in some areas but not in others, the regions that have not observed the crescent moon will follow the regions that have observed it.

²⁵ Muthi'ah Hijriyati dan Ahmad Fakhruddin Fajrul Islam, "ICoSLaw 2022," *IMPLICATIONS OF NEO-MABIMS CRITERIA ON THE DETERMINATION OF 1 DHULHIJJAH 1443 AH: A CRITICAL STUDY OF MATLA' THEORY IN HADITH Muthi'ah 2*, no. 2 (2022): 6-104–107, 106.

²⁶ The *istbat* session itself was first held in the 1950s or 1962, related to decision-making filled with presentations from scholars or scientists and the opinions of Islamic organizations before the determination of the beginning of Ramadan and Eid al-Fitr.. <https://kemenag.go.id/opini/sejarah-sidang-isbat-awal-ramadanidul-fitri-di-kementerian-agamanbsp-w4zue7>. Accessed on May 20, 2023.

universities, experts and practitioners in the fields of astronomy and falak (Islamic astronomy), researchers at planetariums and observatories, the Meteorology, Climatology, and Geophysics Agency (BMKG), the National Institute of Aeronautics and Space (LAPAN), and officials from the Ministry of Religious Affairs of the Republic of Indonesia as facilitators.

Based on Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts, it is explained that religious courts provide *istbat* (confirmation) of the testimony for the beginning of the Hijri year. It means that the religious courts are requested by the Minister of Religious Affairs to provide *istbat* (confirmation) based on the testimony of those who witnessed the *hilal* (crescent moon) at the beginning of each month, especially Ramadan, Shawwal, and Dhul-Hijjah. The oaths that have been validated in the region or the location of *rukyat* will also be considered during the *istbat* session.

The results agreed upon in the *istbat* session become the basis for the government, through the Ministry of Religious Affairs, to determine and announce to the Indonesian community the decision regarding the beginning of the Hijri month. This task falls under the authority of the Ministry of Religious Affairs, as stipulated in Minister of Religious Affairs Decision Number 47 Article 26 of 1963, which outlines the duties of the Department of Religious Affairs, including "determining the dates of holidays designated as public holidays."

Specifically, the body responsible for the issues of *hisab* (astronomical calculations) and *rukyat* is the Badan Hisab dan Rukyat (BHR), established in the 1970s. This body was formed based on Minister of Religious Affairs Decision Number 76 of 1972, initially chaired by Sa'adoedin Djambek. In subsequent developments, the Badan Hisab dan Rukyat was placed under the Directorate General of Islamic Community Guidance and underwent several transformations into Tim Hisab dan Rukyat (Astronomy and Crescent Sighting Team) and Tim Unifikasi Kalender Hijriyah (Team for Unification of the Hijri Calendar).

Later, based on Presidential Decree (PMA) No. 72 of 2022, this team became the sub-directorate Hisab Rukyat dan Syariah (Astronomy, Crescent Sighting, and Sharia Sub-Directorate). The task of this institution is to formulate and implement

policies, prepare norms, standards, procedures, criteria, technical guidance, evaluation, and reporting in the field of hisab, ruyat, and sharia.²⁷ The results of this series of processes then serve as the basis for the Minister of Religious Affairs to issue a nationwide declaration.

Implications of Government Decisions on the Determination of Beginning of the Hijri Month in Indonesia

From the previous explanation, it can be understood that *ulil amri* has a broad meaning and can still be developed according to the social context, especially regarding the authority held. Looking at the history of Islam, the authority of state and religious leadership was centered on one person and one source, namely Prophet Muhammad. Although in certain conditions related to worldly matters, Prophet Muhammad delegated authority to companions who were more knowledgeable in those fields. As stated in the hadith, "You are more knowledgeable about your worldly affairs," when discussing proper date palm cultivation with his companions.

In the context of Indonesia, the question arises whether the government is *ulil amri*, especially in the matter of determining and announcing the beginning of the Hijri month. The government's process through the Ministry of Religious Affairs, which holds the authority for determining the beginning of the Hijri month in Indonesia, raises this question. Especially when considering the fiqh principle "*hukm al-hakim ilzamun wa yarfa' al-khilaf*" (the decision of the ruler/government is binding and resolves differences of opinion), it can be understood that the government's effort through the organization of *istbat* sessions is for the benefit of the community, unity, and the unity of the Muslim community in Indonesia. Therefore, in this context, the government through the Ministry of Religious Affairs establishes guidelines for the smooth implementation of worship such as the start of Ramadan fasting, Eid al-Fitr, or Eid al-Adha.

Furthermore, there is a fatwa from the Indonesian Ulema Council (MUI) regarding the determination of the beginning of Ramadan, Shawwal, and Dhu al-

²⁷ PMA no 72 tahun 2022 pasal 236 dan 237.

Hijjah, which states:²⁸

- a. The determination of the beginning of Ramadan, Shawwal, and Dhu al-Hijjah is carried out based on the methods of rukyah and hisab by the Government of the Republic of Indonesia through the Ministry of Religious Affairs and applies nationally.
- b. All Muslims in Indonesia are obligated to obey the government's decisions regarding the determination of the beginning of Ramadan, Shawwal, and Dhu al-Hijjah.
- c. In determining the beginning of Ramadan, Shawwal, and Dhu al-Hijjah, the Minister of Religious Affairs is required to consult with the Indonesian Ulama Council (MUI), Islamic organizations, and relevant institutions.
- d. Rukyat results from areas outside Indonesia that may observe the hilal, even if their mathla' (beginning) is the same as Indonesia, can be used as a reference by the Minister of Religious Affairs of the Republic of Indonesia.

However, in practice, there are often differences in the implementation of the beginning of Ramadan, Eid al-Fitr, or Eid al-Adha between the government's decisions and reports from community organizations in Indonesia. For example, the Nahdlatul Ulama organization believes that if the government's determination is based on rukyatul hilal or istikmal, then NU members must follow and obey, but if it is based solely on hisab, then it is not obligatory to follow and obey.²⁹

Muhammadiyah understands that matters related to fasting during Ramadan and celebrating Eid al-Fitr and Eid al-Adha are of a ta'abbudi (ritual) and ta'aqquli (rational) nature. Ta'abbudi implies that these practices must be observed without any alteration, such as starting fasting on the 1st day of Ramadan, celebrating Eid al-Fitr on the 1st day of Shawwal, and observing Eid al-Adha on the 10th day of Dhu al-Hijjah. Additionally, these practices involve ta'aqquli, meaning rational considerations regarding ijthad (independent reasoning) and technical aspects in

²⁸ Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor 2 Tahun 2004 Tentang Penetapan Awal Ramadhan, Syawwal Dan Dzulhijjah," n.d.

²⁹ MA Sahal Mahfudh, *Ahkamul Fuqaha, Solusi Problematika Aktual Hukum Islam Keputusan Mukhtar, Munas, Dan Konbes Nahdlatul Ulama (1926-2004 M)* (Jawa Timur: Lajnah Ta'lif wa al-Nasyr (LTN), 2007), 397.

determining the beginning of the month.³⁰ This means that the potential for differences may arise if there are varying perspectives in understanding and interpreting the text.

Therefore, in observing societal phenomena, there appears to be a tendency among the people to perceive the government as part of *ulil amri*, but not the sole *ulil amri*. Considering the earlier definitions that include the views of scholars stating that *ulil amri* includes *umara'* (rulers), *hukama'* (judges), and *ulama'* (scholars), it implies that obedience to *umara'* is conditional. In the context of determining the beginning of the Hijri month, it is contingent on whether the results of the *istbat* session align with the *ijtihad* and *ikhbar* from recognized societal organizations.

This seems to set a limit that the state does not interfere at the level of the substance of worship but rather provides services and guidelines as outlined in the government's decree. The authority of the state is limited to social matters, not matters of faith that are referred back to the religious texts. This aligns with the opinion of Abduh, as quoted by Yunahar Ilyas, stating that worship, from the perspective of religious belief, is not dependent on the orders of *ahlul hal wal 'aqd* but is governed by the texts of the Quran and hadith.³¹ The interpretation of texts or *nash* is what makes differences of opinion highly possible.

In practical terms, the potential for differences in the celebration of significant Islamic days becomes more apparent and confrontational among the Muslim community in Indonesia, especially since the Neo-MABIMS criteria has become the basis for the implementation of *rukyatul hilal*. The government's efforts to accommodate differences and unify perspectives among societal organizations in Indonesia, aiming for a single authoritative policy (*umara'*), seem to be an ongoing and unresolved challenge. Moreover, the determination of the beginning of the Hijri month is not only a matter of worship law but also involves the dialectics of science and its developments.

³⁰ Yunahar Ilyas, "Fiqh Ulil Amri: Perspektif Muhammadiyah (Makalah Dalam Sarasehan Dan Sosialisasi Hisab Rukyat Muhammadiyah Oleh Majelis Tarjih Dan Tajdid Pimpinan Muhammadiyah Yogyakarta, Kamis 13 Juni 2013)" (2011): 1–6, 6.

³¹ *Ibid.*, 5-6.

Conclusion

Understanding the concept of ulil amri in the Quran is closely related to understanding compliance with policies that are formal obligations or binding. Interpreting the verses about ulil amri also plays a crucial role in understanding the citizens' compliance with the policies set by ulil amri. The term ulil amri is mentioned twice in the Quran, but its interpretation is often influenced by social and political dynamics.

In the specific case of determining the beginning of the Hijri month in Indonesia, it becomes a unique issue. The question arises whether the Indonesian government is considered ulil amri and how the citizens' compliance with the government regarding the determination of the beginning of the Hijri month in Indonesia should be understood. As explained, one of the rights of a leader is to be respected and supported by their people and to have their decisions obeyed, except in matters of disobedience. In Indonesia, the decision on the beginning of the Hijri month is made using mechanisms established by the government through the Ministry of Religious Affairs, specifically the hisab-rukyah team that accommodates scholars, scientists, astronomy experts, and the government as decision-makers.

However, in practice, there are often differences in the celebration of Eid al-Fitr, Eid al-Adha, or the observance of Ramadan in Indonesia, especially after the official adoption of the Neo-MABIMS criteria. The issue of the beginning of the Hijri month is not only related to worship matters but also involves elements of ijtihad and the dynamics of scientific development. Therefore, compliance with the government regarding the determination of the beginning of the Hijri month is not just obedience to authority but is also based on the spirit of maintaining harmony within the diversity of the Muslim community in Indonesia.

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