Five Cases of Fatwa’s Change in *Majlis Tarjih Muhammadiyah*

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**Abstract:** The purpose of this study is to understand the change of fatwa produced by *Majlis Tarjih* of Muhammadiyah Association from between their first establishment in 1927 until 2019. The study about the change of fatwa produced by them considered as important study for it may affect the life of not less than 10 million members of Muhammadiyah directly or indirectly. The board has announced 16 methods used in weighting issues including their confirmation of the probability of fatwa to be changed, it made the researcher curious for whether they can keep their own methods or not in case the fatwa has been changed. The researcher has used two methods in answering the problem; the first is analysis method, and it is used to analyze the collected fatwa from books and magazines produced by Majlis Tarjih. After analyzing the change of fatwa, the researcher tried to approach the change of fatwa from the view of Islamic jurisprudential maxims and Islamic control fundamentalist to know whether the cause of change is suitable to Islamic principle or not. The researcher has collected five changes of fatwa produced by them, and they are; 1) Considering matlak to determine the beginning of Arafah fasting, 2) bank’s interest, 3) Hanging the picture, 4) Smoking, 5) and using sitr (cover). The researcher has obtained number of findings; the most important of them is the fact that the change of fatwa in the cases mentioned were following their own methods and were suitable to Islamic principle.

**Keywords:** Change of Fatwa; Five Cases; Majlis Tarjih.
INTRODUCTION

Fatwas have a great status in Islam, because the revelation has been stopped with the death of the Prophet Muhammad P.B.U.H. which led to confusion among people and disputes between them regarding the rulings of many new cases. These disputes happened to be exist from the time of four great caliphs and became bigger in our time. Facing these problems, the moslems nowadays need people who understand Al-Qur'an and Hadith (sahih) well, those people also able to differentiate between Halal and Haram, in addition they also can distinguish between similar things (mutashabihat). Muslims today are in need of a strong mujtahid with an intelligence and a broad mind.

Looking at the books of the older scholars in Ushul Fiqh, it becomes clear that every mufti is a mujtahid, and not every mujtahid is a mufti. Therefore, it can be said that the position of the mufti is greater and his responsibility is also greater in front of Allah than the mujtahid. Because the mufti requires al-adalah in him, and the mujtahid doesn’t require that (Ahmad ibn Sulayman ibn Yusuf al-Arini, 2008). Due to the importance of the fatwa, the researcher wanted to address the issue of fatwas in Indonesia, especially the fatwas issued by Majlis Tarjih in the "Muhammadiyah" association, because the products of fatwa from Majlis Tarjih may affect to 10 million members of Muhammadiyah.

The emergence of "Muhammadiyah" association in the early twentieth century (November 18th, 1912) had several reasons, including; the presence of the Dutch colonizer in Indonesia, the spread of the Christian religion, monitoring the teaching of Islam, including the spread of bid’ah, superstitions and the influence of Muslims on Hinduism and Buddhism. Therefore, K.H. Ahmad Dahlan established "Muhammadiyah" association to resist the colonialists and restore the Muslims’ way of worship according to the Qur’an and Sunnah (Musthafa Kamal Pasha, 2009). To achieve this goal, Majlis Tarjih Muhammadiyah (the weighting council) was established then in 1927. Majlis Tarjih Muhammadiyah itself claimed to be the only council in Muhammadiyah that has the authority to issue the fatwa (M.hidayat edis & Yecky Bus, 2020), and since its establishment it has issued three types of fatwas (Fauzan Muhammadi, 2012); It is the “Himpunan Putusan Tarjih” (collection of decisions), "Fatwa", and “Wacana” (future and cultural issues).

Himpunan Putusan Majlis Tarjih or HPT is the recommendations of the Musyawarah Nasional (National Conference) of Majlis Tarjih’s members, and the fatwas issued in this conference are among the highest ranks of fatwas for Majlis Tarjih, because they are binding on the members of the association in general. The second type is the “fatwa”, which is the fatwa issued as an answer after the question delivered from member of association or from any people through the message or in a direct meeting. Then the members of the council discussed the issue and wrote the answer in the magazine “Suara Muhammadiyah” which is published every two weeks. Later, these questions and answers are collected in a special book called “Question and Answer in Religion” (Tanya Jawab Agama), and in terms of the binding of fatwa, the fatwa is only binding the questioner and not others. Then the last one is “Wacana” (Future and cultural issues); it is not like the previous ones, as it does not oblige any member of the association, because it is a means of informing
people about Islamic culture and sometimes it is a hypothetical jurisprudence (Imron Rosyadi, 2012).

According to Ahwan Fanani the developments of Manhaj Tarjih can be described within three stages from 1924 until 2000 (Ahwan Fanani et al., 2021). While the methods used by Majlis Tarjih Muhammadiyah, they are as explained by Asjmuni Abdurrahman in his book “Manhaj Tarjih Muhammadiyah, Metodologi dan Aplikasi” there are 16 methods that were collected by the members of the council after the 41st conference which was held in Surakarta city (Setiawan, 2019). All of these approaches are suitable for the purpose of the five principles. The five principles of Muhammadiyah are principles that refer to all the manners of the association since its implementation at the end of 1955 until an unlimited time, they are: Pengertian Agama, Pengertian Dunia, Pengertian Ibadah, Pengertian Sabilullah, and the last is Pengertian Qiyas. Among the approaches:

1. “Fatwas must be issued through Shura or collective judgment, hence it is not possible to consider the idea from one man is stronger than the decision of shura no matter how great his position is”.
2. “We do not rely on any of the four schools of thought, but we can refer to the sayings of the four schools as long as they fit the objectives of the Qur’an and Sunnah”.
3. “It is necessary to implement the rule of “Sadd Zare’ah” or prohibition of evasive legal devices in order to prevent mischiefs and temptations”, this is one of jurisprudential rules.
4. “When the evidence conflicts, it is necessary to resort to gathering and conciliation, and if that is not possible, then doing tarjih (taking the weighting)” (Asjmuni Abdurrahman, 2012). The last mentioned is a rule from the science of hadeeth.

Among the applied examples of their approaches is their use of the rule of prohibition of evasive legal devices in prohibiting marriage of people of the Book (Ahl Kitab), while the ruling on its origin is permitted. Then the members of Majlis Tarjih decided to prohibit it at the conference in 1989 in Malang, due to the need to prohibit it in order to ward off evil (Asjmuni Abdurrahman, 2012).

**RESULT AND DISCUSSION**

Conditions for changing the fatwa or ruling according to Majlis Tarjih Muhammadiyah are:

1. The need for change following to the change of maslahah;
2. It is not ibadah mahdah;
3. It is not part of qat’iyyat;
4. The change is just a transition from one evidence to the other evidence.

Then after looking at the aforementioned conditions, the researcher tried to apply them to the fatwa that have been changed produced by Majlis Tarjih to know the extent to which they fulfilled the conditions they already decided or not.
Since established, Majlis Tarjih Muhammadiyah has issued hundreds of fatwas and some of which have been fixed since its issuance until now. While some of it have changed after years of validity. According to the data collected, there are only five cases of fatwas’ change in Majlis Tarjih from between 1927 to 2019 which changed and the researcher tried to examine, and they are; 1) The change in the ruling of taking the matlak to determine the time of fasting on the day of Arafah, 2) The change in the ruling of bank’s interest, 3) The change in the ruling of hanging the picture of pious people, 4) The change in the ruling of smoking, 5) The change in the ruling of Covering.

THE CHANGE IN THE RULING OF TAKING THE MATLAK TO DETERMINE THE TIME OF FASTING ON THE DAY OF ARAFAH

Majlis Tarjih Muhammadiyah issued a fatwa by adopting Mecca as the matlak for determining the time of fasting on the day of Arafah in the year 2003 (“Fatwa Agama,” 2003), but the decision in what follows after the issuance of this fatwa mentioned was changed in the year, then it took the matlak of region (Majlis Tarjih dan Tajdid Muhammadiyah, 2018).

Among their evidences for taking Mecca as a matlak when issuing that fatwa in the “Suara Muhammadiyah” magazine:

1. The meaning of the hadeeth of Abu Qatadah at glance: “Fasting Arafah is an expiation for two years past and a year to come, and fasting Ashura is an expiation for one year” (Abu Abdur Rahman an-Nasa’I, 2001). Hence, it is known from the apparent meaning of the hadeeth of the Prophet P.B.U.H., that he linked fasting to Arafah, and Arafah is only in Mecca when the pilgrims doing wuquf, therefore taking Mecca as a matlak is compulsory in order to deliver the meaning of the hadith of the Prophet P.B.U.H.
2. The difference in time between the Kingdom of Saudi Arabia and Indonesia is only four (4) hours, and the difference between them doesn’t exceed one day or even more. This means that the pilgrims having wuquf on the same day that the people fast.
3. The pilgrims do not fast while having wuquf in Arafa, but others do the fast at the same time and the same day, and this includes everyone who was in the same region or outside Saudi Arabia.

After the members of Majlis Tarjih Muhammadiyah met and all those who were invited to the conference from among the Chief of the association or the scholars, they took another attitude that contradicts the previous one, then they began to take matlak of region in determining the Hijri date that is related to the performance of worship, either by ru’yah (sighting) or by hisab (calculation), even if they tend for hisab more, and amongst their evidence:

1. A long hadith on the authority of Kuraib that Umm al-Fadl bint al-Harith sent him to Muawiyah in the Syam, he said: I came to the Syam then fulfilled her needs and Ramadan began for me while I was in the Syam. I saw the crescent on Friday night, then I came to Medina at the end of the month. Then Abdullah ibn Abbas asked me: “When did you see the new moon?” I said: “We saw it on
Friday night.” He said: “You saw it?” So I said: “Yes, and the people saw it, so people did fast and Mu’awiyah also did”, he said: “But we saw it on Saturday night, so we will not stop fasting until we complete thirty days or we see it”. So I said: “Is it not enough for you to see Mu’awiyah and his fasting?” He said: “No, this is how the Messenger of Allah P.B.U.H. commanded us” (Abu al-Husain Muslim, n.d.).

2. The generality of the hadith of Ibn Omar, on the authority of Abdullah bin Omar, may Allah be pleased with him, that the Messenger of Allah P.B.U.H. mentioned Ramadan and said: “Do not fast until you see the new moon, and do not break your fast until you see it. If it is cloudy for you, then estimate for it!” (Muhammad ibn Isma’il al-Bukhari, 2001).

And the discussion about deciding the time of fasting on the day of Arafah among the members of Majlis Tarjih is inseparable from the discussion about the permissibility of using hisab to replace rukyah. The fatwa itself changed from their use of Mecca as matlak to the using region as matlak in the later one. Hence, by examining their evidences when they issued the first fatwa, and the abrogated decision of the aforementioned fatwa; The researcher tried to discuss the standards for changing the fatwa on this issue according to the following:

1. The debate between the use of region matlak and the matlak of Mecca is an age-old debate that was transmitted by scholars.

2. Determining the time of Arafah fasting is not part of Ibadah mahdah. The kind of worship in this situation is fasting itself. Therefore, the rukyat or hisab, and also the determining of matlak itself are included in the means to worship, or in the perspective of fuqoha, it is the condition (as-Shart) for entering the month of Ramadan and for performing the obligatory fast, and the condition by itself is not worship. It is not the act of worship itself, and as long as it is a means and not part of the act of worship, the way to determine the time of Arafah can be changed.

3. It became clear that determining matlak is not one of the qai’iyat (definitive) either from the previous statement. It is true that it is among the definitive of the existence of the evidence, but its definitiveness has not been proven in the indication or we may say in Arabic it is قطعي الورود ظني الدلالة, and if it had been proven definitive in the significance, the scholars would not have agreed on it, but actually the scholars differed in defining the matlak. Some scholars said that adopting one matlak is enough, such as when a person sees the crescent in Egypt, therefore those who used to live in the eastern countries suffice because Egypt is from the western countries, and among the scholars who considered various matlak, then they say that every country has its matlak (Ibn al-Humam, n.d.).

4. The transition from the use of evidence to the other evidence was achieved in this issue, and this was clear because the members of Majlis Tarjih used hadith of Abu Qatada about taking Mecca as matlak, and after that they used the hadith of Kurayb as evidence for the new fatwa.

5. The reason for the change of this fatwa is the change of knowledge, due to the occurrence of a disagreement between the scholars regarding the consideration of various matlak and not considering them.
After mentioning the former discussions, the researcher agreed with the members of Majlis Tarjih in changing the fatwa from making Mecca as matlak or taking the global matlak to their fatwa of taking the regional matlak due to the strength of their arguments. Their arguments also suit the three kinds of approaching the case according to Majlis Tarjih, and they are al-Bayani approach, al-Burhani approach and an-Nizhami approach (Fikri et al., 2022).

However, the problem of research is not clear until after discovering that the change in the fatwa of taking the matlak is not something new for Majlis Tarjih, because it was preceded by the decision (putusan) that was issued in 2000 at the national conference held in Jakarta, therefore the decision stipulated that Majlis Tarjih takes regional matlak to decide the new month of the Islamic months. Even though it is decided, Majlis Tarjih can still take the global matlak with the condition, which is that the hisab haqiqi has been possible to be done in the eastern regions of Indonesia.

Therefore the first fatwa issued was putusan (the decision) to adopt the regional matlak in 2000 (Susiknan Azhari, 2007), then in August 2003 the fatwa was issued in the “Suara Muhammadiyah” magazine showed that they made Mecca as matlak to decide the first month of Dhulhijjah, and it was known that Putusan is the highest rank of the fatwa in Majlis Tarjih, except that in October 2003 they issued putusan stating that Majlis Tarjih took regional matlak in deciding the first Islamic months, and this last decision abrogated the fatwa and returned to the old fatwa.

As for the intended fatwa that contradicts putusan, it was issued to answer the question from the questioner, because of that reason the fatwa considered Mecca as matlak regardless of the condition mentioned in putusan of Majlis Tarjih in 2000, which is the possibility of accommodating hisab haqiqi in the eastern regions of Indonesia. Because the fatwa only belongs to the Kingdom of Saudi Arabia’s hisab only without any condition, therefore according to this opinion when people saw the crescent of the month of Dhul-Hijjah in the Kingdom of Saudi Arabia, then all regions of the world also entered the month of Dhul-Hijjah. Their argument is that the fast of Arafah cannot be inseparable from the Muslims’ activity in Arafah, which is the pilgrims’ doing Wukuf in Arafah at that time, hence restricting the word “fasting” to the word “Arafah” is evidence that fasting takes place at the time when the pilgrims do wukuf in Arafah because Arafah only means the place.

The researcher is surprised by the return of the ruling and the rapid change of their fatwa, and that is when the members of Majlis Tarjih confirmed that it had taken the regional matlak in 2000, then in August 2003 they took matlak of Mecca, and returned again to the first putusan (decision) in October 2003, and even stranger than that is that some members of Majlis Tarjih rejected that it was the fatwa of the council and argued that it is from the opinions of personalities of “Muhammadiyah” association, thus the idea is not affiliated with the association. Those who rejected that it is the fatwa produced by Majlis Tarjih were Syamsul Anwar and Susiknan Azhar (Azzam Musoffa, 2020), who indicated that the text of the fatwa does not mean that the members of Majlis Tarjih want to take matlak of Mecca to determine the first Islamic months, especially the sighting of the crescent (rukyat), but rather they want the people of Mecca and the Kingdom of Saudi Arabia to follow them in adopting the international calendar that have been invented by some scholars. Some
members of *Majlis Tarjih* have already joined the Council of Islamic Religion in Brunei, Indonesia, Malaysia and Singapore which is called (MABIMS).

**THE CHANGE IN THE RULING OF BANK’S INTEREST**

The discussion of bank’s interest has been a long and a historic debate in Majlis Tarjih and people in Muhammadiyah, it is mentioned that in our era it became the debate of younger elite and the old class (Hadi & Arfan Mu‘ammar, 2019). But it is recorded too that long before it, the members of *Majlis Tarjih* initially said that the bank’s interest was forbidden (Pimpinan Pusat Muhammadiyah, n.d.), then it was changed at the Sidoarjo conference in 1968, therefore they confirmed that it is one of the mutashabihat (unclear things) (Pimpinan Pusat Muhammadiyah, n.d.), but later in 2006, they completely prohibited bank interest (Majlis Tarjih dan Tajdid Muhammadiyah, 2018).

The fatwa that proves the ruling of bank interest that it is one of the *mutashabihat* because of deduction from their consideration of some important things, they are (Pimpinan Pusat Muhammadiyah, n.d.):

1. The Sharia’s texts of the Qur’an and Sunnah prove that the reason for prohibiting usury is the injustice from the rich to the poor or oppression from the strong against the weak.
2. Banks are a new financial system that did not exist at the time of Prophet Muhammad P.B.U.H. and all his companions.
3. The usurious profits of the national banks will benefit people.
4. The interest of the national banks from the perspective of the members of *Majlis Tarjih* did not reach the degree of certainty that it is the form of usury that intended by Allah.

Then, after looking at those important things, *Majlis Tarjih* decided four things, and they are (Pimpinan Pusat Muhammadiyah, n.d.):

1. That usury is clearly forbidden according to the text of the Qur’an and Sunnah.
2. The ruling on dealing with banks in which usury is becoming part of it is forbidden but dealing with banks that are pure from usury is permissible.
3. The interest generated by the national banks, or the interest reversed by the customer who owes the national banks considered as *mutashabihat*.
4. Giving advice to the chiefs of the “Muhammadiyah” association to establish a type of bank that conforms to the Sharia rules.

As for their limitation of the fatwa as specific to national banks and not others because of several reasons, including: that it provides bank credit, and that there is no injustice or risk in its application in society overall. The mentioned reasons were reinforced by one of the conferees saying that there was no injustice in the application of bank credit in national banks due to the low percentage of usury. But other conferees added something in contrast by saying that one of the private banks in Indonesia gave interest of at the rate of 10% per month because the customer deposited a sum of money, but they took 15% from the profits of the merchants who owed them, then the injustice was realized because of the large amount of usury in it (Pimpinan Pusat Muhammadiyah, n.d.).
As for what the researcher talked about previously, that in the year 2006, that fatwa changed from being included in the *mutashabihat* manners, that’s the reason it was forbidden at all, and the reason for that was because they relied on these evidences:

1. The apparent meaning of some Qur’anic evidence, such as Allah’s statement:

   (فَبِظُلمٍ مَّنَ الَّذِينَ هَذَى عِلْمًا عَلَىٰهُمْ طَيِّبَاتٍ أُحِلَّتْ لَهُمْ وَبِصَدُّهُمْ عَنْ سَبِيلِ اللَّهِ كَثِيرًا وَأَذَّنَهُمُ الرِّيْبَ وَذَٰلِكَ بِأَنَّهُمْ قَالُوْا إِنَّمَا البَيْعُ مِثْلُ الرِّيْبَ وَأَحَلَّ اللهُ البَيْعَ وَحَرَّمَ الرِّيْبَ وَذَٰلِكَ بِأَنَّهُمْ قَالُوْا إِنَّمَا البَيْعُ مِثْلُ الرِّيْبَ) (النساء: 160-161).

   (وَأَخْذِهِمُ الرِّيْبَ وَقَدْ نُهُوْا عَنْهُ وَأَكْلِهِمْ أَمْوَالَ النَّاسِ بِالبَاطِلِ وَأَعْتَدْنَا لِلْكَافِرِيْنَ مِنْهُمْ عَذَابًا أَلِيْمًا) (آل عمران: 130).

   (يَا أَيُّهَا الَّذِيْنَ آمَنُوْا لاَ تَأْكُلُوْا الرِّيْبَ أَضْعَافًا مُضَاعَفَةً وَاتَّقُوْا اللهَ لَعَلَّكُمْ تُفْلِحُوْنَ) (آل عمران: 130).

   (الَّذِيْنَ يَأْكُلُوْنَ الرِّيْبَ لاَ يَقُوْمُوْنَ إِلاَّ كَمَا يَقُوْمُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسَّ ذَلِكَ بِأَنَّهُمْ قَالُوْا إِنَّمَا البَيْعُ مِثْلُ الرِّيْبَ وَأَحَلَّ اللهُ البَيْعَ وَحَرَّمَ الرِّيْبَ...﴾ (البقرة: 275).

2. What is understood from the hadith of the Messenger of Allah P.B.U.H. including the hadith narrated on the authority of Abu Hurairah that the Messenger of Allah P.B.U.H. said: “Avoid the seven deadly sins!” It was said: “O Messenger of Allah, what are they?” He said: “Associating partners with Allah, witchcraft, killing a people that has been forbidden except by right, consuming the orphan’s money, consuming usury, running away on the day of battle, and slandering chaste, heedless, believing women” (Muhammad ibn Isma’il al-Bukhari, 2001). And another hadith on the authority of Suleiman bin Amr on the authority of his father who said: I heard the Messenger of Allah, may God’s prayers and peace be upon him, during the Farewell Pilgrimage saying: “Beware that every usury of the pre-Islamic usury is laid down for your capital. You shall not be wronged nor wronged” (Abu Dawud, n.d.). Then the hadeeth on the authority of Ubahah ibn al-Samit who said: The Messenger of Allah P.B.U.H. said: “Gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, salt for salt, like for like, equal for equal, hand to hand. If these descriptions differ, then sell as you wish if it is hand to hand!” (Ahmad ibn Muhammad ibn Hanbal, 2001).

3. Considering the jurisprudential rules that “the harm is removed” and that “if the matter becomes narrow, it expands” and then “hardship brings ease”.

4. Considering some of the results of the research issued by the Fiqh Councils and the fatwas issued by the Fatwa Committee in some Islamic countries, such as the Islamic Research Academy in Al-Azhar in 1965, then the decision of the second conference of the Islamic Bank in Kuwait in 1983, and in the conference held by the Organization of Islamic Cooperation in Jeddah in 1985, etc. They also quoted the fatwas of scholars in the prohibition of usury, such as Al-Jassas in “Ahkam Al-Qur’an” and Al-Razi in “Al-Tafsir Al-Kabir” from the previous scholars. While from the contemporary’s perspective, they took the words of Muhammad Abi Zahra and Yusuf Al-Qaradawi.

5. An economy that relies on usury in all or most of its transactions is considered one of the weak and failed types of economy, because it causes an increase in the amount of debt and in the transfer of money and ownership from majority of people to a specific number of people. This appears in our world today that it is
one of the causes of the financial crisis. Another problem with interest is that it is considered a theft of money from the borrower with monthly salary and long-term work contract.  

6. It was known in James Robertson’s book of the origins of Islam and early Christianity that the economy must be free of usury, lest the money and wealth accumulate in a specific number of people.  

7. In terms of the theory and application of Islamic economics, people have become more acquainted with it since the Orde Baru (new era) in Indonesia, and that there are many banks that applied the principles of Sharia.  

8. Majlis Tarjih Muhammadiyah considers the participation of the association and all members of the "Muhammadiyah" association, even Muslims in general in the development of the economy, which is based on the Islamic foundations and the Islamic spirit which are free from usury.  

The above-mentioned evidences from the Holy Qur’an and noble hadiths that indicate the prohibition of usury and that usury is a major door of injustice and must be closed in any possible way. Therefore, the prohibition of bank interest after knowing that it is kind of usury is one of the correct stances of the members of Majlis Tarjih, because of the impact of this fatwa for many members of the "Muhammadiyah" association spread all over Indonesia, then the researcher deduced from the above statement:  

1. There is an advantage or an urgent need to change that fatwa. Rather, the advantage has not changed, but rather has disappeared, hence the members of Majlis Tarjih revealed it because the ownership of national banks has changed. The old fatwa proved that interest from national banks is beneficial to the stability of the economy of the country in general, then their idea will open the possibility for the permissibility of using interest even if they prohibit the usury explicitly, then after the new fatwa was issued, the door of permissibility in using this transaction was closed.  

2. Interest from banks is not included as ibadah or act of worship, as it is one of muamalah, and muamalah is a door in which the field of ijithad is opened for scholars due to the lack of texts in it. While the other reason, it is stated that the change of rulings or fatwas in muamalah is following the change of habit, place and time, therefore its rulings changed a lot. In addition, this matter differed for the rulings of worship because worship came with its many texts as if all the rulings in acts of worship have been completed.  

3. The third criterion was fulfilled, because the benefits of banks are not definite (qat’iyyat), and the matter is clear as there was no such system in the time of the Messenger of Allah P.B.U.H. The prohibition of consuming usury has been mentioned in the Qur’an, for that reason it is thus one of the certainties, therefore the certainties cannot be changed, and the dispute arising among the members of Majlis Tarjih is not due to their disagreement about the prohibition of usury, but rather their dispute is in: are the benefits of banks included within the prohibited usury by Allah or not? Some members of Majlis Tarjih differed, and several members of the council believe that the non-prohibition of bank interest is one of the reasons for issuing a fatwa confirming it’s ruling as mutashabihat.  

4. As well as the transition of the evidence to the other evidence accomplished in this change of fatwa, due to the change of maslahah, after the maslahah ceased
because the change of ownership, the necessity of using national banks and the benefit of their interests ceased.

5. Among the reasons for the change of that fatwa is the change of situation, due to the change of ownership of the national banks in Indonesia.

After mentioning the above discussions, the researcher agrees to the change in the fatwa of members of Majlis Tarjih in prohibiting bank interest.

THE CHANGE IN THE RULING OF HANGING THE PICTURE OF PIOUS PEOPLE

The ruling of hanging the picture of pious people, for example the picture of K.H. Ahmad Dahlan as the founding father of Muhammadiyah was forbidden at first in 1964 (Pimpinan Pusat Muhammadiyah, n.d.), then it changed to allowance in 1968 (Pimpinan Pusat Muhammadiyah, n.d.).

As for the text prohibiting to hang the picture according to the “Muhammadiyah” association was written in their book of Himpunan Putusan Tarjih that ruling of hanging the picture is depending on its cause, and there are three causes here:

1. If it is used for a medium of worship then its ruling is prohibited by the text.
2. If it is used for a medium of education it is permissible.
3. If it is used as a section for decoration, it has two types; First if the image does not contain something which may lead to decay for iman or attitude, then it is permissible, and second one if the image contains something which may lead to the decay for attitude then it is makruh, but if it lead to the shirk then it is strictly forbidden like the image of prophets or righteous people.

Since the council believes that the picture of the K.H. Ahmad Dahlan as the founder of Muhammadiyah Association is afraid of to be used as medium of worship, Majlis Tarjih decided to prohibit it from taking it as an adornment.

The researcher conveys the text of the change of that fatwa, which was held at the Sidoarjo conference: “After reviewing decision (Putusan Tarjih) of Majlis Tarjih’s conference on the image ruling that was written in the book “Beberapa Masalah” printed in 1964 in the second chapter (preceding page 283), Majlis Tarjih decided to abrogate the ruling of hanging the picture written in the book “Beberapa Masalah” printed in 1964 in the second chapter (page 283 preceding) which mentioned: “Since the council sees that the picture of K.H. Ahmad Dahlan the founder of the Muhammadiyah Association, fears fitnah from it, Majlis Tarjih decided that it is forbidden to take it as an adornment.”

After observing the evidences used in the old fatwa and the new one, the researcher then took conclusion that:

1. Is the fatwa changed based on the change of maslahat? Yes, the fatwa changed because of the disappearance of the fear of the existence of polytheism or the sanctification of K.H. Ahmad Dahlan. For that reason, they proved that with the disappearance of the “illat” made the situation changed and the maslahat also changed. Hence, they changed their fatwa because the maslahat changed for the
people’s need and by doing that it is suitable with the first condition of changing the fatwa which already decided by Majlis Tarjih. Even more interesting, they saw a bigger maslahat in hanging the picture of K.H. Ahmad Dahlan than forbidding it. When the picture of the founder of the association was hung in the schools of "Muhammadiyah" association it would make students acknowledge him and follow his convincing biography, then they permitted hanging the picture of the founder after it was forbidden.

2. It is known that hanging a picture is not ibadah mahdah because there is not any muslim who worship Allah by hanging a picture, and hanging a picture is not called worship. Therefore, the researcher says that the members of Majlis Tarjih have applied this second condition which says that the changing fatwa can be applied if it is not ibadah mahdah, then the ruling on hanging the picture is not one kind of ibadah mahdah.

3. As for the ruling on hanging the picture is not considered a definite matter or qatiyyat, and this is the third condition. In addition, it has been proven that the fuqoha argued each other in the ruling on drawing the picture itself. Some of them permitted drawing the picture, and some of them prohibited it, and the occurrence of disagreement among the scholars is evidence that it is not one of the qat’iyyat, as the qat’iyyat will never change.

4. Their fourth condition is that the change of the fatwa must be the transition from the evidence to the other evidence, thus the change is not a permission to deviate from the Qur’an and Sunnah, because the old or new fatwa comes from the Qur’an or the Sunnah. The researcher mentioned the evidences used to forbid the action of hanging the picture and also the illat in prohibition of hanging the picture is the fear of people falling into polytheism, especially for the members of “Muhammadiyah” association. Then after only four years had passed, they changed that fatwa, hence they permitted hanging the image of K.H. Ahmad Dahlan in order people did not fall into polytheism or sanctified the founder of the association.

5. Since the reasons for changing this fatwa is included within the change of the ruling due to the change of the situation (Ibn Qayyim al-Jauziyyah, 2002), which is the disappearance of illat. Therefore, the researcher deduced that the members of Majlis Tarjih have agreed on the conditions in changing the fatwa of hanging the picture.

After mentioning the above discussions, the researcher sees the validity of this new fatwa due to its validity among the Muslim community in Indonesia.

THE CHANGE IN THE RULING OF SMOKING

The members of Majlis Tarjih saw that smoking was not prohibited in 2005, but after five years had passed, the fatwa changed to prohibiting the smoking in 2010.

When they permitted smoking, they said that the reason for the permissibility is using istishab (presumption of continuity), therefore there is no prohibition for it in the Qur’an and Sunnah (“Fatwa Agama,” 2005). As for their evidence for the prohibition of smoking, especially cigarettes; they are:

1. It causes two harms, physical and financial.
2. The harm of cigarettes is proven recently due to the advancement of technology and the advancement of medical sciences. Contrary to what was previously mentioned, the members of *Majlis Tarjih* permitted smoking because the harm did not occur according to many people and it is also harmless from the perspective of medicine at that time.

3. The cigarette itself, after its medical discovery, is considered one of the evils or bad habits that must be avoided, in the verse of Al-Qur'an it is described as khaba’ith due to the Almighty’s saying in Al-A’raaf 157.

4. The cigarette slackens people, and it slackens the human body and his religion little by little, and “the Messenger of Allah, may God’s prayers and peace be upon him, forbade all intoxicants and everything which produces languidness” (Abu Dawud, n.d.).

5. It is an extravagance of money, as money that is earned from lawful means must be spent lawfully, as Allah says:

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\text{“وَآتِ ذَا القُرْبَى حَقَّهُ وَالمِسْكِيْنَ وَابْنَ السَّبِيْلِ وَلاَ تُبَذِّرَ تَبْذِيرًا إِنَّ الْمُبَذِّرِينَ كَانُوا إِخْوَانَ الْمَسْكِيْنِ وَكَانَ الْمُسْكِيْنُ}
\text{ لِزَّيْهِ كَفُوْرًا”} (الإسراء:26-27).
\]

As for the application of *dhawabit* (the controls) for changing the fatwa of smoking changed from permissibility to prohibition, will be explained to the following discussion accordingly:

1. The change of this fatwa has a greater *maslahat* because the prohibition of smoking will result a healthy and nice environment. In addition, the prohibition of smoking will preserve three of the five necessities, namely: preserving the life, preserving descendant, and preserving money. Preservation of life is achieved by avoiding the harms of smoking, such as lung and heart diseases, and the preservation of descendants by avoiding reproductive system problems that will prevent fertilization. There is further problem that the act of smoking inside the house will also affect children’s growth and health. While the preservation of money accomplished by not become extravagant with it and to spend it on what has a benefit such as healthy food.

2. It is not kind of *ibadah mahdah* that has been specified for how to do it, rather smoking is something that people are used to do. Therefore, we did not find in the Qur’an or the hadith what mentions this issue, neither verbally nor in the form that we know today, because it is one of mustajaddat (new innovations).

3. Smoking is not one of *qat’iyyat*, and because it is known as a habit then it turns out that it is one of mutaghayyirat, and for that reason it is permissible to change the fatwa in such things.

4. As for the fourth condition, it is the transition from one evidence to another one. This matter is accomplished not only in terms of moving from one evidence to another evidence, but they started from doing istishab, which means the lack of evidence indicates that there is no ruling in it. Hence, it is not possible to prohibit something that is permitted from the beginning, then they move to other reason which is the existence of evidence supporting the prohibition of smoking.

The reason for the change of the fatwa in the ruling on smoking from permissibility to prohibition is the change of knowledge with the discovery of many medical and...
economic problems mentioned, then after mentioning the above discussions, the researcher realized that this change in the fatwa is correct and that it is closer to the intention of Allah.

**THE CHANGE IN THE RULING OF COVERING**

Covering up in the meeting of the members of the association between men and women was at first obligated in 1964 in the book “Beberapa Masalah” (Pimpinan Pusat Muhammadiyah, n.d.), then it was changed in the Sidoarjo Conference in 1968 and the ruling was changed to following the agreement of the committee of the program (Pimpinan Pusat Muhammadiyah, n.d.).

As for the text on the obligation to using cover, it is mentioned:

“Taking cover in Muhammadiyah gatherings based on the fact that lowering the gaze is ordered in the words of the Creator:

(قل لِلْمُؤْمِنِيْنَ يَغُضُّوْا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوْا فُرُوْجَهُمْ... وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوْجَهُنَّ...﴾ (النور: 30-31)

the council decided to take cover and the like in the meetings of the Muhammadiyah Association which are attended by men and women in order to prevent the occurrence of forbidden looking” (Pimpinan Pusat Muhammadiyah, n.d.).

The text regarding the change of that fatwa is: “After reviewing the decision of Majlis Tarjih’s conference of “Muhammadiyah” association in the necessity of taking a cover in Muhammadiyah meetings attended by men and women, which is mentioned in the book “Beberapa Masalah” (printed in 1964 in chapter twenty or page 300 preceding), then based on what Allah already said in Surat Al-Nur in verse 30-31, which stipulated the prohibition of a looking between a man and a foreign woman without shariah permission, as well as the prohibition of meetings between men and women with absolute freedom. The members of Majlis Tarjih decided that it was necessary to cover in the meetings of Muhammadiyah that were attended by men and women, but the way to perform it is due to the agreement of the committee or the program official by adapting to the situation, time and place, and that this decision abrogates the previous decision of Majlis Tarjih” (Pimpinan Pusat Muhammadiyah, n.d.).

And their statement of their fatwa’s change:

1. Covering or hijab means anything that can be used to cover or obscure the view between men and non-mahram women. Covering are two types; The first, real cover can be taken if there is fear of forbidden looking between men and non-mahram women. The second is not to adopt the real cover if the possibility of forbidden looking not occurred among those present in the assembly; therefore, it is not necessary to adopt or remove the cover. Any cover taken between the two types of cover mentioned must be the *ijtihad* of the committee or the program official.
2. That looking between a man and a non-mahram woman without need is forbidden by Allah, and it is the same in the rule of mixing between non-mahram men and women, so it is necessary to explain it to all members of the “Muhammadiyah” association, large and small, old and young, men and women during meetings, gatherings and councils of knowledge and education in schools in order that we close the door of mixing between men and women little by little, because by opening it will also cause the possibility to forbidden looking to be happened.

3. In order they can be taught, guided, and brought up, after that it became the means to improve the livelihood, work, and treatment among our society to achieve our goal, which is to establish the right of Islamic society.

4. The meetings of "Muhammadiyah" association which were mentioned before were attended by men and women, including: meetings itself, consultations, education, and then the scientific courses held by "Muhammadiyah" association.

5. The ijtihad or demeanor is based on the opinion of the committee, especially the local members of “Muhammadiyah” association if they have an ability in ijtihad.

After observing the previous reasons, the researcher concluded:

1. The need of the members of "Muhammadiyah" association to attend meetings and gatherings is very urgent, because they have a schedule of recurring meetings weekly, monthly, or fortnightly. In the first, they obligated to take cover in all these meetings because of the fear that people would fall into the forbidden look. Then after they saw that this did not happen, they changed that fatwa from absolute obligation to the agreement of the committee preserving to five decisions (al-ahkaam at-taklifiyyah al-khamsah). But the researcher did not see the necessity of mitigating this ruling after it was an absolute duty, because the texts of the Shari’a expressly indicated the prohibition of adultery and every means that became the intermediary to it, and then mixing between men and women without any veil or covering is just a beginning to be trapped into adultery, especially for those with weak iman or young age.

2. Taking the cover is not ibadah mahdah, because it has a reasonable meaning and because of that the benefit are known when doing it and its corruption is known when leaving it. The corruption of course arises from the occurrence of forbidden looking. Therefore, it refers to adultery of the eyes, and adultery of the eyes can turn into the real adultery which is forbidden according to the text of Qur’an and Hadith.

3. Certainty is of two kinds, either by the transmission or by the indication. As for taking a cover, there is no doubt in saying that it is qat’iyyat by the transmission and not by the indication, bearing in mind that it is not part of the tawhid which has certainty or practical rulings that the Sharia came with in a clear and decisive way.

4. The fourth condition was achieved by moving from the evidence to the other evidence in fatwa’s change of adopting the covering. It happened because of the increasing number of members of Muhammadiyah in different places. There is no objection if they applied the gradual approach (tadarruj) in adopting the cover due to the different conditions of people in various places in Indonesia. Some of new members were born inside Muhammadiyah’s family and already embraced Islam since their births, but among them are those whose heart accepted islam
lately, then he did not know the profession of faith (syahadatain) except after they reach adulthood. The gradualism is also one of the approaches of fuqoha’ when issuing the fatwa. And the well-known example in the time of the Messenger of Allah P.B.U.H. is the gradual prohibition of alcohol, although the alcohol is one of the things which often stored in the houses of many people in Madinah.

5. The reason for the fatwa’s change here is the change of the situation, or the change in custom and habit of people.

CONCLUSION

From the result and discussion above we may reach into the conclusion that Majlis Tarjih as the weighting council inside Muhammadiyah association has 16 methods to weight the issues. One of those methods clearly mentioned that the fatwa may change but it must follow the four conditions that have been decided. These four conditions are: 1) The need for change following to the change of maslahah, 2) It is not ibadah mahdah, 3) It is not part of qat’iyyat, and 4) The change is just a transition from one evidence to the other evidence.

The researcher found that the changes in fatwa of Majlis Tarjih have various reasons, and each of them are: 1) The reason of fatwa’s change of deciding the beginning of Arafah fasting from using Mecca as matlak and then became using regional matlak is the knowledge change, 2) The reason of fatwa’s change of bank’s interest from mutashabihat to be forbidden is because of the circumstances change, 3) the reason of fatwa’s change of smoking from permissibility to forbidden is knowledge change, 4) the reason of fatwa’s change of hanging the picture of righteous people from forbidden to permissibility is because the change of circumstance, 5) and the reason of fatwa’s change of taking the cover in members of association’s meetings from obligatory to permissibility is because the change of circumstances.

All the five cases of fatwas’ change produced by Majlis Tarjih Muhammadiyah have been suitable with the four conditions mentioned above. Unless in the end of the research there were some remaining problems which made the researchers outside Muhammadiyah’s community found it hard to understand or find, and they are; Some specific definitions that only being understood by the members of Majlis Tarjih even though it is the text of fatwa that given to common members of association, and there are some technical problems in finding old fatwas and it’s evidences because the documents are lost or perhaps kept by unknown people and didn’t realize it.
BIBLIOGRAPHY


