



The Methodology of Fatwa Issuance and the Impact of the School of Thought (Madhhab) on Fatwas by the North Sumatra MUI

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Abstract

Shafi'i madhhab followers constitute a majority among Muslims in North Sumatra. This article aims to explore the fatwa methodology and the impact of madhhab influences on decisions issued by the North Sumatra MUI. The research seeks to identify which Sunni schools of thought guide the MUI's fatwa decisions. This paper addresses two main issues: the methodology employed by the North Sumatra MUI in issuing fatwas, and the influence of madhhab thinking on fatwas, particularly those related to prayers issued between 2000 and 2010. To analyze the fatwa methodology of the North Sumatra MUI, this article employs three theories of legal interpretation: *bayāni*, *ta'līlī* and *istislāhī*. The approach taken in this paper involves content analysis, specifically examining fatwa texts to address the research focus. This study centers on referencing Madhhab perspectives found in the official fatwa decisions of the North Sumatra MUI. This study is crucial to assess the extent of Madhhab influence on issued fatwas, particularly within the regional context at the provincial level. Methodologically, the study found that the North Sumatra MUI employs three approaches in its fatwa process: *bayāni*, *ta'līlī* and *istislāhī*. Regarding the influence of Madhhab thinking, the study discovered that the North Sumatra MUI referenced the viewpoints of the four Madhhabs' imams in the three fatwas analyzed. Based on this research, it is evident that the fatwas draw from not only the Shafi'i school but also from the other three schools. Among the fatwas analyzed, the Hanafi school predominates, appearing in all three cases, with the Shafi'i school appearing twice, and the Maliki and Hanbali schools each appearing once.

Keywords: Method, Fatwa, MUI of North Sumatra

Abstrak

Umat Islam dianggap mayoritas sebagai penganut mazhab Syafi'i, termasuk juga di Sumatera Utara. Artikel ini ditulis dalam rangka mengetahui bagaimana metode fatwa dan pengaruh pemikiran mazhab terhadap fatwa MUI Sumatera Utara yang dikeluarkan. Sehingga dari penelitian ini akan diketahui mazhab mana saja yang dipergunakan MUI Sumatera Utara di dalam pengambilan keputusan fatwanya, utamanya dari empat mazhab



sunni yang ada. Terdapat dua rumusan masalah dalam tulisan ini yaitu bagaimana metode MUI Sumatera Utara di dalam mengeluarkan fatwanya dan bagaimana pengaruh pemikiran mazhab terhadap fatwa-fatwa yang dikeluarkan oleh MUI Sumatera Utara khususnya menyangkut fatwa yang berkaitan dengan shalat yang dikeluarkan tahun 2000-2010. Guna mengkaji metode fatwa MUI Sumatera Utara di dalam fatwanya, maka artikel ini akan menggunakan tiga teori penemuan hukum, yaitu *bayāni*, *ta'līlī* dan *istislāhī*. Metode yang digunakan dalam tulisan ini adalah dengan konten analisis (analysis content), yaitu mengkaji isi fatwa untuk menemukan jawaban yang merupakan fokus dari penelitian ini. Fokusnya adalah rujukan pemikiran mazhab yang termuat di dalam hasil keputusan resmi fatwa MUI Sumatera Utara. Kajian ini penting untuk dilakukan guna melihat sejauhmana pengaruh mazhab mempengaruhi fatwa yang dikeluarkan, utamanya dalam kategori daerah setingkat provinsi. Secara metodologis, ditemukan bahwa dalam proses penemuan hukum dalam fatwa MUI Sumatera Utara adalah dengan menggunakan ketiga metode yaitu *bayāni*, *ta'līlī* dan *istislāhī*. Sedangkan tentang pengaruh pemikiran mazhab maka ditemukan di dalam penelitian bahwa pandangan keempat imam mazhab dikutip oleh MUI Sumatera Utara dari ketiga fatwa yang menjadi objek penelitian. Dari penelitian ini diketahui bahwa yang menjadi landasan bukan hanya mazhab syafi'i, namun juga berasal dari ketiga mazhab lainnya. Dalam Fatwa yang diteliti Mazhab Hanafi dominan digunakan karena digunakan dalam ketiga fatwa yang diteliti, mazhab Syafi'i dua kali, mazhab maliki dan hanbali masing-masing satu kali.

Kata Kunci: Metode, Fatwa, MUI Sumatera Utara

Introduction

The Indonesian Ulema Council (MUI) plays a crucial role in issuing fatwas to address issues faced by Muslims. This responsibility extends beyond the Central MUI in Jakarta to include provincial and district levels. Established in 1973, the North Sumatra MUI actively issues fatwas addressing various challenges encountered by Muslims, particularly those specific to the North Sumatra region. However, this does not imply that the North Sumatra MUI neglects national issues in Indonesia. The council has also issued several fatwas addressing national concerns, such as the roles of women as national leaders and guidelines on zakat payment using monetary values. The examination of the fatwa methodology of the North Sumatra MUI, particularly concerning the influence of Madhhab on issued fatwas, has not been extensively discussed in existing literature. Research typically focuses on fatwas issued by the central MUI, such as Heri Firmansyah's work on the methodology of MUI fatwas regarding cigarettes.¹ Acme Admira Arafah et al. delve into how Madhhab influences fatwas in their writing.²

There is also an article by Frina Oktalita et al., analyzing the MUI's ijtihad method in establishing legal rulings based on issued fatwas.³ Zainul Mun'im's article examined the MUI

¹ Heri Firmansyah, "Kajian Metodologis Terhadap Fatwa MUI Tentang Rokok," *Al-Ahkam Jurnal Ilmu Syari'ah dan Hukum* 4, no. 1 (31 Desember 2019): 79-96, <https://doi.org/10.22515/al-ahkam.v4i1.1829>.

² Acme Admira Arafah, Ahmad Qorib, dan Ardiansyah, "Corak Mazhab Pada Fatwa Dewan Syariah Nasional Majelis Ulama Indonesia (Analisis Tentang Mudharabah, Musyarakah Dan Murabahah)," *AT-TAFAHUM: Journal of Islamic Law* 2, no. 1 (11 Juli 2019): 18-36.

³ Frina Oktalita dan Darlin Rizki, "Analysis of MUI Fatwa Number 17 of 2020 Regarding Kaifiat Prayer Guidelines for Health Workers Who Wear Personal Protection Equipment (PPE) When

fatwa on COVID-19 using Muhammad 'Abid al-Jabiri's epistemological theory of Islamic law, specifically the bayani and burhani theories.⁴ There are various studies on MUI fatwas, yet few explore the fatwa methodology and the influence of Madhhab, including those addressing democracy and the resurgence of Indonesian Islamic conservatism, as discussed in Syafiq Hasyim's writings.⁵ Also, his writings explore fatwas concerning heretical sects and their intersection with legal politics.⁶ Muhammad Syifa Amin Widigdo and Homaidi Hamid's writings discuss the impact of fatwas in Indonesia, particularly focusing on controversial MUI fatwas within the community.⁷ Furthermore, the construction of an epistemology of pandemic fiqh through the study and analysis of MUI fatwas.⁸

The dissertation by Ilhamsyah Pasaribu examines the implementation of Sharia maqashid in the 2018 fatwa of the North Sumatra MUI, focusing on its specific fatwa. M. Thohir Ritonga's research explores the hadiths used by the North Sumatra MUI as the legal basis for its fatwas. This article aims to contribute to existing knowledge by addressing the methodological and Madhhab influences on the fatwas of the North Sumatra MUI, an area not extensively covered in previous studies.

This article addresses two main issues: first, the methodology of fatwa issuance by the North Sumatra MUI; and second, the influence of Madhhab thinking on fatwas, particularly those related to prayers issued between 2000 and 2010. During this period, the North Sumatra MUI issued at least four fatwas concerning prayer, with this study focusing on three specific examples. These include a fatwa from 2002 concerning the language used in Friday sermons other than Arabic, a 2009 fatwa on the establishment of multiple mosques in one village, and a 2005 fatwa on Friday prayers for women.

To analyze the fatwa methodology of the North Sumatra MUI, this article employs three theories of legal interpretation. The first is the *baya'ni* method, which interprets laws directly from nash texts, also known as *lughāwi* due to its emphasis on linguistic rules within the text.⁹ The second method is *ta'lili*, focusing on identifying *the 'illah*' (reason) behind laws

Treating and Handling Covid-19 Patients," *Al-Istinbath : Jurnal Hukum Islam* 6, no. 2 (11 November 2021): 247, <https://doi.org/10.29240/jhi.v6i2.3332>.

⁴ Zainul Mun'im, "The Epistemology of MUI's Fatwas on Covid-19: Bayani and Burhani Eclecticism," t.t., 20.

⁵ Syafiq Hasyim, "Fatwas and Democracy: Majelis Ulama Indonesia (MUI, Indonesian Ulema Council) and Rising Conservatism in Indonesian Islam," *TRANS: Trans-Regional and -National Studies of Southeast Asia* 8, no. 1 (Mei 2020): 21-35, <https://doi.org/10.1017/trn.2019.13>.

⁶ Syafiq Hasyim, "Fatwa Aliran Sesat dan Politik Hukum Majelis Ulama Indonesia (MUI)," *Al-Ahkam* 25, no. 2 (24 Oktober 2015): 241-66, <https://doi.org/10.21580/ahkam.2015.25.2.810>.

⁷ Mohammad Syifa Amin Widigdo dan Homaidi Hamid, "The Power of Fatwā in Indonesia: An Analysis of MUI's Controversial Fatwās," *Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies* 14, no. 2 (25 Desember 2018): 146-65, <https://doi.org/10.18196/AIJIS.2018.0085.146-165>.

⁸ Ilyas Supena, "Konstruksi Epistemologi Fikih Pandemi: Analisis Fatwa-Fatwa MUI," *Al-Manahij: Jurnal Kajian Hukum Islam* 15, no. 1 (11 Juni 2021): 121-36, <https://doi.org/10.24090/mnh.v15i1.4203>.

⁹ Bakhtiar, "Epistimologi Bayani, Ta'lili Dan Istislahi Dalam Pengembangan Dan Pembaharuan Hukum," *TAJIDID: Jurnal Ilmu Keislaman dan Ushuluddin* 18, no. 1 (22 April 2019): 3-21, <https://doi.org/10.15548/tajdid.v18i1.131>.

in nash texts, applying *qiyas* and *istihsan*.¹⁰ The third method, *istislāhī*, seeks to derive laws from principles established in the Qur'an and Hadith, employing approaches like *maslahah al-mursalah* and *sad az-zāri'ah*.¹¹

This research employs a doctrinal approach to Islamic law,¹² using content analysis to examine fatwa content and address the research objectives. The study focuses specifically on Madhhab references found within official fatwa decisions issued by the North Sumatra MUI. While other scholarly opinions on the topic may exist outside these fatwas, this article concentrates solely on those incorporated within the fatwa texts, though additional analyses may reference external viewpoints for completeness.

This study is essential to understand the impact of Madhhab on fatwa issuance, particularly at the provincial level. It focuses on four Sunni schools: Hanafi, Maliki, Shafi'i, and Hanbali. Conducted locally in North Sumatra, the research examines how Madhhab influences fatwas, particularly regarding prayer issues, offering insights into the adherence to Madhhab among North Sumatran Muslims. The North Sumatra MUI's recognition as the best provincial MUI in 2019 underscores the importance of studying its fatwa practices.¹³

Methods Employed in Fatwa Issuance by MUI North Sumatra

Generally, the process for issuing fatwas by the North Sumatra MUI adheres to the guidelines set forth in Indonesian Ulema Council regulation number U-596/MUI/X/1997, established on October 2, 1997. These guidelines serve as the framework for the North Sumatra MUI in its fatwa deliberations, outlining the following provisions:

Firstly, the General Basis for Fatwa Determination involves primary reliance on the Qur'an and the Sunnah of the Prophet (saw). Secondly, in the absence of explicit guidance from these sources, fatwas are determined through *ijma'*, *qiyas*, and other principles such as *Maslahah Mursalah*, *Istihsān*, and *Sadd az-zāri'ah*. Thirdly, the opinions of the Imams of the Madhhabs are considered, either directly related to the issues under consideration or in comparison to their legal principles. Fourthly, the insights of subject matter experts in the relevant fields are also crucial considerations in fatwa formulation.¹⁴ The fatwa guidelines indicate that Madhhab perspectives are a crucial consideration in issuing fatwa decisions. This underscores how the North Sumatra MUI adheres closely to the scholarly views within Madhhabs when making decisions on contemporary legal issues.

Secondly, the procedure for issuing fatwas by the North Sumatra MUI¹⁵ is as follows:

¹⁰ Asafri Jaya Bakri, *Konsep Maqasid Syari'ah menurut Imam Syatibi* (Jakarta: Raja Grafindo Persada, 1996). 133.

¹¹ Bakhtiar, "Epistemologi Bayani, Ta'lili Dan Istislahi Dalam Pengembangan dan Pembaharuan Hukum.", 16-18.

¹² M. Atho' Mudzhar explained in his article that broadly the study of Islamic Law consists of the study of Doctrinal Islamic law and the Study of Sociological Islamic Law. The study of doctrinal Islamic law among its studies is about the issue of fatwas. M.Atho Mudzhar, *Sociological Approach in Islamic Law Studies*, in Amin Abdullah, et al, *Mencari Islam, Studi Islam dengan Berbagai Pendekatan* (Yogyakarta: Tiara Wacana Yogya, 2000). (Yogyakarta: Tiara Wacana Yogya, 2000).

¹³ Interview with Dr. Ardianyah. M. Ag, Vice Chairman of MUI North Sumatra, September 17, 2021., Deputy Chairman of MUI North Sumatra.

¹⁴ Departemen Agama, *Himpunan Fatwa Majelis Ulama Indonesia* (Jakarta, 2003). 1-8.

¹⁵ Departemen Agama, 5-6.

- a) Each issue submitted to the fatwa commission undergoes intensive study for at least a week prior to deliberation.
- b) If a law is clearly stated in the Qur'an and Sunnah, the fatwa aligns with it. If a fatwa contradicts a definitive scriptural text (*nash qat'i*), it is deemed invalid.¹⁶
- c) In matters where there is scholarly disagreement within the Madhhabs, the fatwa commission resolves the issue based on comparative fiqh analysis (*fiqh of muqāran*).
- d) Following thorough discussion and consideration of various factors, the fatwa commission makes a decision.
- e) Each finalized fatwa decision is documented in a Fatwa Decree (SKF) signed by the leadership board. The SKF includes Legal foundations, Qur'anic and Sunnah references, and other relevant sources, along with action plans for implementation.

Methodology and Influence of Madhhab Thought on North Sumatra MUI's Fatwas Regarding Prayer

This subsection will discuss the methodologies and the influence of Madhhab thought on the fatwas concerning prayer issued by the North Sumatra MUI. This study focuses on three specific fatwas mentioned earlier. The article primarily explores the foundational thinking within the North Sumatra MUI's decision-making process, omitting explicit references to Quranic and Hadith sources unless necessary for data integrity and analysis.

The Madhhab perspectives discussed are exclusively found in the appendices of the fatwa decrees. Therefore, the deliberations of other Madhhabs, even if they discuss the same issues, are not the central focus of this discussion. When determining which school's perspective to adopt, if two opinions from the same Madhhab are presented, both are considered influential in shaping the fatwa decision. In cases where two conflicting opinions exist within a Madhhab, the decision is guided by the majority opinion. If the majority opinion within the Madhhab is cited in the fatwa, it signifies that the Madhhab significantly influenced the fatwa decision. Conversely, if the minority opinion aligns with the MUI fatwa, it indicates that the Madhhab's influence was minimal, and another Madhhab's perspective that aligns with the fatwa played a more significant role.

Fatwa on Delivering Friday Sermons in Indonesian Language Excluding Pillars (rukun)

This fatwa issued by the North Sumatra MUI addresses widespread community practices where Friday sermons are delivered in Indonesian during Friday prayers, reflecting a common trend among Indonesian Muslims. Prompted by concerns within the community,

¹⁶ This explanation means that there should be no fatwa that contradicts the Qur'an and the Sunnah, if found, the fatwa will immediately be invalidated. This may be due to an unintentional mistake or lack of prior knowledge about legal issues in the fatwa. Drs. Sanusi Lukman, M.A., Chairman of the North Sumatra MUI Fatwa Commission, September 17, 2021.

a member of the North Sumatra MUI fatwa commission-initiated discussions leading to the formulation of this legal fatwa.¹⁷

In this fatwa, the North Sumatra MUI cited opinions from scholars of two Madhhabs. These opinions are outlined as follows:

Firstly, the opinion of the Hanafi scholars, who state that:

تجوز الخطبة بغير العربية ولو لقادر عليها سواء كان القوم عربا او غيرهم

Means:

"Friday sermons are permissible whether the Khatib speaks Arabic or not, for both Arab and non-Arab worshippers."¹⁸

Secondly, the opinion of the Shafi'i scholars, particularly that of Imam Nawawi, asserts that:

قال النووي : هل يشترط كون الخطبة بالعربية فيه طريقان أصحهما وبه قطع الجمهور يشترط لأنه ذكر مفروض فشرط فيه العربية كالتشهد وتكبيرة الإحرام مع قوله صلى الله عليه وسلم : (صلوا كما رأيتموني أصلى) وكان يخطب بالعربية. والثاني فيه وجهان حكاهما جماعة - منهم المتولى - احد هما هذا والثاني مستحب لا يشترط لأن المقصود الوعظ وهو حاصل بكل اللغة.

Means:

"Imam al-Nawawi stated: "Is it obligatory for the sermon to be in Arabic? On this matter, there are two narrations (tāriqāni): the more authentic one asserts that Arabic is required, as affirmed by the majority of Shafi'i scholars, because the sermon is a reminder (dhikr) that is mandated to be in Arabic, similar to the Tashahhud and Takbiratul Ihram. Additionally, there is a hadith of the Prophet (PBUH) commanding, 'Pray as you have seen me praying,' and the Prophet consistently delivered sermons in Arabic. The second narration presents two views among scholars, including al-Mutawalli. The first view aligns with the opinion mentioned earlier. The second view posits that Arabic is not obligatory because the purpose of the sermon is educational (al-wa'iz), which can be conveyed in various languages, albeit Arabic is preferred".

The conclusions drawn from this as the North Sumatra MUI fatwa decision are as follows: Firstly, the obligatory elements of the Friday sermon in Arabic are limited to its fundamental components, while supplementary teachings can be delivered in non-Arabic languages like Indonesian. Secondly, the instructional aspects (wa'iz) of Friday sermons are not considered fundamental components, thus allowing for their delivery in Indonesian.

Upon analyzing the North Sumatra MUI's decision in light of the two scholarly opinions from the mentioned schools, it becomes evident that the fatwa leans towards the Hanafi madhhab's stance on delivering teachings in Indonesian alongside the Friday sermon. This is because the Hanafi madhhab explicitly permits such practices. On the other hand, within the Shafi'i madhhab, as indicated in the aforementioned quote, there exists a

¹⁷ Personal interview with Drs. Sanusi Lukman, M.A. Head of the Fatwa Division of MUI North Sumatra, September 17, 2021. According to him, because the principle of fatwa is an answer to a question asked by the community about the problems that occurred at that time, if no one from the community questions it even though the case has been common and known to the public, then one of the members of the North Sumatra MUI fatwa commission took the initiative to question the issue so that it could be discussed in the fatwa commission. This fatwa is one example of this case.

¹⁸ Imām Jazairī *al-Fiqh 'alâ al-mazâhib al-Arba'ah*, vol. I, t.t., 391-392.

disagreement. According to the first narration based on the majority opinion (*jumhur*), the use of Arabic in the Friday sermon holds greater validity.

In formulating this fatwa, the North Sumatra MUI employs the *ta'lilī* method, specifically employing the qiyas method. The reasoning follows that if the Prophet (saw) delivered advice or teachings (*wa'iz*) in Arabic during his sermons because his audience comprised Arabs who understood the language, then in Indonesia, using Indonesian—understood by the congregation—serves the same purpose of ensuring comprehension and understanding among listeners.

Fatwa Regarding the Establishment of Multiple Mosques in One Village

This fatwa was issued by the North Sumatra MUI in 2009, yet a similar issue was addressed earlier in 2002 by the same authority. In fact, the North Sumatra MUI referenced the conditions for establishing multiple mosques in one village according to its 2002 fatwa, specifically noted in Decree No. 27/Kep/MUI-SU/VII/2002.

The 2009 fatwa was issued in response to a request from the MUI of Serdang Bedagai Regency, North Sumatra Province, concerning the establishment of multiple mosques within a single village or community. Such issues are not unique to Serdang Bedagai Regency alone but are also prevalent in several areas, particularly densely populated urban regions and Muslim-majority areas like Medan Municipality, Deli Serdang Regency, and others. It is not uncommon for worshippers in one mosque to hear the voices of khateeb and imams from neighboring mosques due to the use of loudspeakers and the close proximity between them.

The conclusions drawn from various opinions of madhhab scholars in this fatwa include the following: firstly, Imam Syaekani, in his book "*fath al-Qadir*" expressed his views as follows:

... لكن الذي إختاره أكثر أصحابنا ... إنما هو الوجه المنسوب إلى ابن سريج و أبي إسحق وهو تجويز التعديد عند كثرة الناس والإزدحام و ممن رجحه القاضى ابن كعب والحناطى والقاضى الرويانى وعليه يدل كلام حجة الإسلام فى الوسيط مع تجويزه للنهر الحائل أيضا

Means:

"... However, the prevailing opinion we have adopted is that of Ibn Suraij and Abu Ishaq, which permits multiple Friday prayers in one village when there is a large population and congestion. This view is also supported by Hujjatul Islam Imam Al-Ghazali in his book *al-Wasit*. Furthermore, Imam al-Ghazali justified this stance by citing scenarios where cities or regions were divided by a river."¹⁹

The opinion of Imam Nawawi, cited in his book *Raudāh at-Tālibīn*, one of the foremost jurists in the Shafi'i madhhab, asserts:²⁰

... أصحها أنه إنما جازت الزيادة فيها على جمعة ... فعلى هذا تجوز الزيادة على الجمعة الواحدة فى جميع البلاد إذا كثرت الناس و عسر إجتماعهم و بهذا قال أبو العباس وأبو إسحاق وهو الذى إختاره أكثر أصحابنا...

¹⁹ Imam As-Syaukanī, *Imam Fath al-Qadir*, vol. 4, t.t., 502.

²⁰ Imam Nawawi, *Raudah at-Talibin*, vol. 2, t.t., 5.

Means:

"The most correct opinion is that it is permissible to hold Friday prayers in more than one location within a village. According to this view, multiple Friday prayers can take place in a village when the number of attendees is large and it is impractical to gather everyone in a single location. This view is also supported by Abu al-'Abbas and Abu Ishaq, and it is the opinion that most jurists have adopted."

Another opinion of Imam Nawawi, as quoted in his book *al-Majmū'* asserts that:

...تجوز الزيادة على جمعة في جميع البلاد التي تكثر الناس فيها، ويعسر اجتماعهم في موضع وهذا الوجه هو الصحيح، وبه قال أبو العباس بن سريج و أبو إسحاق المروزي قال الراجعي واختاره أكثر أصحابنا

Means:

"... It is permissible to establish multiple Friday congregations in a village where there is a large population of worshippers, making it difficult to gather everyone in one place. This opinion is supported by the views of prominent scholars such as Abu al-Abbas Ibn Suraij and Abu Ishak al-Marwazi. Additionally, ar-Rafi'i, among others, has also endorsed this viewpoint, which is widely accepted among the followers of the Shafi'i school."²¹

The North Sumatra MUI referenced an opinion from the fatwa collection *fatwā al-Lajanah al-Dāimah lil buhūs al-'alamiyah*, which asserts that:

...لكن إذا كانت المساجد التي تقام فيها صلاة الجمعة في مدينه المنامة تضيق بمن يصلى فيها الجمعة، حتى إن كثيراً منهم يصلى في الشمس الشديدة الحرارة وفي الطرق و فوق السقوف، فلا مانع من أن تقام الجمعة في مساجد أخرى زيادة على المسجد الأربعة التي تقام فيها الجمعة حالياً حسب ما تقتضيه الحاجة، تيسيراً على الناس، و دفعا للحرج عنهم

Means:

"However, if the mosques in a village where Friday prayers are typically held are too small compared to the number of attendees, resulting in many people praying outside under the hot sun, on the street, or on rooftops, then there is no prohibition against conducting Friday prayers in other mosques as needed. This allowance is based on facilitating ease for people and avoiding unnecessary hardship in performing Friday prayers."²²

Quoting from the book *Ahkām al-Masājid fi Ash-Sharīat al-Islāmiyyah*, it states that:

..القول الأول يجوز تعدد الجمعة في البلد الواحد للضرورة والحاجة الداعية إلى ذلك وهذا الراجح في مذهب أبي حنيفة... وجمع الخلائق بمكان واحد مع كثرتهم الشديدة وضيق الأمكنة فيه مشقة شديدة عليهم وعلى هذا سار المسلمون اليوم إذا لم يثبت عن النبي المنع من إقامتها...

Means:

"...According to the first opinion, it is permissible to conduct Friday prayers in multiple locations within a village in cases of necessity or preference, which is the preferred view in the Hanafi madhhab". Another opinion asserts that: "praying in a confined space during Friday prayers constitutes genuine hardship (*masyaqqah*). Therefore, Muslims today perform Friday prayers in

²¹ Imam Nawawi, *al-Majmū'* Syarh al-Muhazzab (Mesir: Dar al-Fikr, t.t.). 492.

²² *fatwā al-Lajanah al-Daimah lil buhus al-'alamiyah*, vol. 10, t.t. 253. Fatwa nomor 2212.

multiple locations within a village, as there is no prohibition from the Prophet Muhammad (peace be upon him) regarding this".²³

On this issue, the North Sumatra MUI's fatwa unequivocally permits the establishment of multiple mosques for Friday prayers within a single village, provided it benefits the community and adheres to the conditions outlined in North Sumatra Province MUI Fatwa No. 27/Kep/MUI-SU/VII/2002, which specifically addresses the practice of holding multiple Friday prayers in one village.

Given that the current North Sumatra MUI fatwa decision resonates with its previous 2002 fatwa, which shares a similar focus, it is pertinent for this study to discuss and integrate the earlier fatwa into the explanation here. The 2002 fatwa by the North Sumatra MUI had two main outcomes: firstly, it affirmed the absence of prohibition against conducting two Friday prayers in one village, aligning with practices in various Middle Eastern Islamic countries. Secondly, it permitted the practice provided it benefits the community by facilitating the smooth conduct of Friday worship, contingent upon meeting conditions such as the presence of sufficient worshippers and holding the prayers in a mosque.

In legal deliberations, the North Sumatra MUI's 2002 fatwa primarily drew upon a single source from the Shafi'i madhhab, whereas the 2009 fatwa exhibited a more diversified approach. Specifically, the 2002 fatwa referenced the opinion of Imam Shafi'i as elucidated in the book *Fath al-'Aziz* by Imam Ar-Rafi'i. According to this source, Imam Shafi'i's stance was that:

"It is impermissible to hold Friday prayers in a city, even if it is large and has numerous mosques, except in one mosque. This practice is based on the precedent set by the Prophet PBUH and the caliphs... The purpose of Friday prayer is to demonstrate unity among Muslims; hence, it should be limited to one location to effectively achieve this objective."²⁴ However, the majority of scholars, including Ibn Suraij and Abu Ishaq, opted to permit multiple Friday prayers in cases where there are large numbers of people and crowded conditions. Among those who supported this view were Qadi Ibn Kaji, al-Hannati, and Qadi al-Ruyani. Hujjatul Islam al-Ghazali's explanation in al-Wasit also illustrates his approval of multiple Friday prayers, citing the example of a river that separates two parts of the city.²⁵

After careful consideration of the aforementioned fatwa decisions, the 2009 fatwa concluded that establishing multiple mosques for conducting Friday prayers in one village is permissible, provided it adheres to the conditions outlined in the 2002 fatwa decision. The 2002 fatwa stipulated that Friday prayers should be conducted with sufficient congregants in mosques, without specifying the exact minimum number required for worshippers. Indeed, the issue of the minimum congregation size for Friday prayers remains a topic of debate among scholars of various madhhabs.

²³ Ibrahim al-Khadiri, *Ahkam al-Masajid fi Asy-Syariat al-Islamiyyah* (Arab Saudi: Wizarah as-Syu'un al-Islamiyyah wa al-Auqaf, 1419). 15-17.

²⁴ Imam Ar-Rafi'i, *Fath al-Aziz*, vol. 4, p.t.498.

²⁵ Imam Ar-Rafi'i, 502.

Except for the researcher, the decision specifies conditions regarding the required number of congregants for Friday prayers. This clarification addresses the issue of the minimum congregation size, a topic of debate among madhhabs, providing clear guidance for the community to adhere to the fatwa's directives on Friday prayer participation.

Regarding this matter, Lahmuddin Nasution, former Chairman of the North Sumatra Fatwa Commission, elaborated in his book "Ummah Asks, Ulama Answers" that according to the Shafi'i madhhab, the minimum number of worshippers required for Friday prayers is 40 people. This stipulates that the prayer is neither obligatory nor valid if the congregation consists of fewer than 40 people. Imam Nawawi affirmed this position by stating:

وقد ثبت جوازها بأربعين فلا يجوز بأقل منه²⁶

Means:

"The requirement for conducting Friday prayers is a congregation of at least 40 worshippers; it is not permissible to perform it with fewer than this number."

This fatwa is substantiated by Imam Ahmad bin Hanbal and Isaac due to its alignment with a narration from Umar bin Abdul 'Aziz. Other scholars within the school present varied opinions: Rabi'ah suggests 12 people, whereas Abu Hanifah, al-Sauri, and al-Lais propose 4 people. Some argue that 3 people suffice, and there are even opinions suggesting 2 people. Imam Malik, while not specifying a number, indicates that merely 3 or 4 people are insufficient.²⁷

Regarding the Shafi'i madhhab's opinion, Lahmuddin Nasution also discusses in his book the differing views on the minimum number of worshippers required for Friday prayers. According to the *qaul qadīm* of Imam Shafi'i, there are two distinct fatwa opinions: one stating that 4 people are sufficient and another suggesting 12 people. Imam Muzani, a direct disciple of Imam Shafi'i, and Ibn Munzir, both prominent scholars of the Shafi'i madhhab, advocate that Friday prayers can be performed with as few as 4 people. This opinion is also supported by Imam Suyuti. Given its strength, Imam al-Bulqani reasoned that villagers with fewer than 40 people could perform Friday prayers following the *qaul qadīm* opinion through taklid. However, he recommended performing the zuhur prayer after Friday prayers as a precaution (*ihṭiyāt*). Lahmuddin Nasution himself recommends following the opinion of Imam al-Bulqani,²⁸ particularly for those adhering to the Shafi'i madhhab.

Based on the detailed explanation provided above, the North Sumatra MUI primarily relies on the Hanafi and Shafi'i schools of thought to guide its fatwa decisions regarding the permissibility of establishing Friday prayers in multiple mosques within a village or region. The Shafi'i opinion is supported by numerous scholars and jurists of the Shafi'i madhhab, as elaborated in the preceding discussion. Conversely, the Hanafi opinion is substantiated by references from the relevant books cited in the fatwa.

The method employed by the North Sumatra MUI in formulating its fatwa is the *istislāhī* method. This approach is chosen due to its emphasis on public interest (*maslahah*)

²⁶ Shihabuddin ar-Ramli, *Kitab Fathur Rahman bi Syarh Zubad ibnu Ruslan* (Beirut: Markaz Nakhab al-'Ilmiyyah, 2009), 384.

²⁷ Lahmuddin Nasution, *The Ummah Asks Ulama to Answer* (Bandung: Citapustaka, 2000), 50.

²⁸ Lahmuddin Nasution, 50-51.

and the avoidance of hardships that may arise from enforcing Friday prayers in a single mosque within a village or region, especially when the congregation is large and expanding.

Fatwa Regarding Women's Participation in Friday Prayers

The North Sumatra MUI issued a fatwa in 2005 allowing women to conduct Friday prayers exclusively among themselves. This fatwa was prompted by a significant event in the same year involving Aminah Wadud, a Professor of Islamic Studies at Virginia Commonwealth University in the United States, who led Friday prayers. During this congregational prayer, men and women mingled without clear segregation or hijab between the male and female rows.

In this context, MUI North Sumatra aims to proactively address potential future scenarios regarding the implementation of Friday prayers exclusively led by women. Therefore, the North Sumatra MUI seeks to establish legal clarity and prepare sharia guidelines on this matter ahead of any such occurrences in Indonesia, particularly within the North Sumatra region.

The fatwa resulted in two key decisions: firstly, Friday prayers led exclusively by women are deemed invalid. Secondly, women are permitted to participate in Friday prayers that fulfill the necessary conditions without needing to additionally perform the zuhr prayer.

In its legal deliberations, the North Sumatra MUI fatwa draws upon various scholarly opinions. However, these opinions are not directly quoted from their original sources but are predominantly sourced from two books: Wahbah Zuhaili's *al-Fiqh al-Islāmī wa Adillatuhu* and Imam Nawawi's *al-Majmū'*.

The fatwa issued by the North Sumatra MUI cites the opinions of several scholars. Firstly, it references Wahbah Zuhaili's views as outlined in his book *al-Fiqh al-Islāmī wa Adillatuhu*:

فقد أجمع المسلمون على وجوب الجمعة

Meaning:

"Indeed, Muslims have reached consensus (*ijma'*) that the Friday prayer is obligatory".²⁹

In this book, the North Sumatra MUI also cites Wahbah Zuhaili's views regarding the opinions of Shafi'i and Hanbali scholars. According to Zuhaili, 'Friday prayer is established when there are forty or more responsible, independent, male residents present as both worshippers and imam from among the villagers'.³⁰ The book also quotes the Hanafi opinion that 'Friday congregational prayer must include a male as the khatib'.³¹

Secondly, Imam Nawawi's opinions from his book *al-Majmū'* are cited. Firstly, he concurs with Ibn al-Munzir, affirming that "it is consensus that women are not obligated to attend Friday prayer. However, their presence is permissible if they choose to participate".³²

²⁹ Wahbah Zuhaili, *al-fiqh al-Islāmī wa adillatuhu*, vol. II (Jakarta: Gema Insani, 2011). 26.

³⁰ Wahbah Zuhaili, 276.

³¹ Wahbah Zuhaili, 275.

³² Imam Nawawi, *al-Majmū'*, Jilid IV. 484.

Secondly, Nawawi himself clarifies that "women, slaves, and pilgrims are not obligated to attend Friday prayer, as it is not obligatory for them".³³

This fatwa also takes into account the historical fact that throughout the life of Prophet Muhammad (peace be upon him), there was no instance of Friday prayers where the imam and the entire congregation were women. This observation is noteworthy because among various fatwas issued by the North Sumatra MUI, there are cases where practices not known during the Prophet's time are not considered as precedents for issuing fatwas. For instance, this article discusses a fatwa concerning delivering sermons in languages other than Arabic, which were not prevalent during the Prophet's era.

When considering the various perspectives of scholars quoted alongside the fatwa issued by the North Sumatra MUI on this matter, it becomes evident that all four Sunni schools concur that women are not obligated to perform Friday prayers, although they are permitted to attend and their participation is valid. However, it is unequivocally stated in these opinions that the Friday prayer cannot be led solely by women, paralleling the stance that slaves and pilgrims are exempt, as articulated by Imam Nawawi in his book *al-Majmū'*. According to Wahbah Zuhaili, scholars of the Hanafi school also stipulate that the presence of a man, specifically the khatib, is required for the validity of the Friday congregation; thus, in the absence of a male khatib, the prayer would be deemed invalid.

From the explanation provided, it is evident that the opinions quoted in this fatwa are grounded in the four Sunni schools of fiqh. Although the North Sumatra MUI does not directly cite primary sources from these schools, it relies primarily on the writings of Wahbah Zuhaili and Imam Nawawi in their respective books. This underscores the significant influence of Wahbah Zuhaili and Imam Nawawi's works in shaping the fatwas issued by the North Sumatra MUI.

In this fatwa, the North Sumatra MUI employs the bayani method to establish its legal stance. This approach is rooted in several hadiths that specify the obligation of Friday prayer exclusively for men, exempting women. One of the hadiths cited in the fatwa is narrated by Abu Daud "Friday prayer is a mandatory duty for every Muslim in congregation, except for four: a slave, a woman, a child, and a sick person." (Narrated by Abu Daud).³⁴

Conclusion

From the explanations above, it is evident that across three fatwas issued between 2000 and 2010 concerning prayer issues, the MUI of North Sumatra referenced the views of the four imams of the Sunni madhabs. Specifically, these fatwas addressed delivering Friday sermons in Indonesian alongside the consensus quoted from the Hanafi madhhab, establishing multiple mosques in one village for Friday prayers drawing from the Shafi'i and Hanafi schools, and permitting women-only Friday prayers citing opinions from all four Sunni madhabs. Upon closer examination, the Hanafi madhhab is cited in three instances, the Shafi'i madhhab in two, and the Maliki and Hanbali madhabs each once. This reflects

³³ Imam Nawawi, 502.

³⁴ H.R. Abu Daud no hadis 901.

the predominant influence of the Hanafi madhhab, consistently referenced across all three fatwas as a focal point of discussion.

From the explanations provided, it is evident that the legal reasoning in the fatwas issued by the North Sumatra MUI employs three distinct methodologies: bayani, ta'lili, and istislahi. The bayani method is utilized in the fatwa concerning women leading and participating in Friday prayers exclusively among women. The ta'lili approach is applied in the fatwa addressing the delivery of Friday sermons in Indonesian, alongside promoting harmony. Lastly, the istislahi method guides the fatwa concerning the establishment of multiple mosques within a single village.

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