

IKHTILĀF AL-MATĀLI‘ AND THE MODERN NATION-STATE: THE TRANSFORMATION OF ISLAMIC LEGAL DISCOURSE

A Thesis

**Submitted to the Master's Study Program of Islamic Studies at the Faculty of
Islamic Studies in Partial Fulfillment of the Requirements for the degree of**

Master of Arts (M.A.)



**Universitas
Islam Internasional
Indonesia**

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ABSTRACT

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This thesis examines the transformation of *ikhtilāf al-maṭāli* ' in the modern era. It traces the historical development of the classical doctrine, analyzes its contemporary applications, and explores the contexts that have shaped its modern interpretation and practice. Through analysing its theory in *fiqh* books, the practice in relevant fatwas and documents from Islamic institutions in Indonesia, Saudi Arabia and Egypt as case studies, especially in late twentieth and early twenty-first century, I find that classical Muslim scholars emphasize the distance as decisive feature in discussions of *ikhtilāf al-maṭāli* '. However, the modern ulama emphasize the modern nation-state territory as the base for the topic. While the major opinion of Islamic jurisprudence schools is disregarding *ikhtilāf al-maṭāli* ' which means if the new moon is sighted in one *balad* then all places and people must follow the ruling, the modern Muslim scholars choose the minor opinion, considering *ikhtilāf al-maṭāli* ' which means different moon sighting might mean different rulings however, they interpret *ikhtilāf al-maṭāli* ' through nationalist understandings that marginalize distance as decisive point and consider *balad* as nation-state and *dawlah*. This thesis asks why and how the concept of *ikhtilāf al-maṭāli* ' shifts from its the classical doctrine to modern implementation. By analysing the text and the context, I argue that the transformation of the premodern, distance-based discussion of *ikhtilāf al-maṭāli* ' into a modern concept based on state territory is the result of the modernization and nationalization of societies. Central to this transformation are several interconnected modern phenomena: the universalization of exclusively linear territorial sovereign statehood, the spread of nationalism as an imagined political community, and the internalization of these ideas through governmentality and disciplinary power exercised by state institutions, particularly the modern education system. Modern societies are shaped by interconnected ideas that influence how populations understand both the world and themselves. In particular, the modern education system became increasingly institutionalized and deeply embedded in society during the late twentieth and twenty-first centuries. In this context, both Muslim scholars and ordinary people are socialized into the concept of the imagined national community or land, that transform Islamic legal discourse on *ikhtilāf al-maṭāli* '. To arrive at the modern concept of *ikhtilāf al-maṭāli* ', Muslim Scholars engage with several reinterpretations, including selective citation, the elevation of minority opinions, the generalization of exceptional cases, reference to previous practice as an independent legal source, the application of modern or anachronistic readings to classical terminology and texts, the alteration of citations, and the emphasis of certain topics while de-emphasizing others.

Keywords: *Islamic Law, Modern Nation-State, Transformation, Ikhtilāf al-Maṭāli* ', *Indonesia, Egypt, Saudi Arabia*.

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الحمد لله والصلاة والسلام على رسوله

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NOTE ON TRANSLITERATION

This thesis follows the transliteration guidelines of the International Journal of Middle East Studies (IJMES). Furthermore, words that appear in the Merriam-Webster and Cambridge online dictionaries are spelled according to those dictionaries, except when referring to the terms themselves rather than their meanings. For Indonesian terms that correspond to Arabic terms, I use the Arabic transliteration unless the Indonesian term is quoted verbatim.

TABLE OF CONTENTS

TITLE PAGE.....	i
STATEMENT OF AUTHENTICITY.....	ii
ANTI-PLAGIARISM STATEMENT.....	iii
THESIS ATTESTATION	iv
THESIS DEFENSE APPROVAL	v
ABSTRACT	vi
ACKNOWLEDGEMENTS.....	vii
NOTE ON TRANSLITERATION.....	viii
TABLE OF CONTENTS	ix
CHAPTER 1	
GENERAL INTRODUCTION	1
1.1 Background of Study.....	1
1.2 Literature Review.....	4
1.3 Research Question and Main Argument.....	8
1.4 Methodology	9
1.5 Plan of the Thesis	12
CHAPTER 2	
THE DOCTRINE.....	14
2.1 Introduction	14
2.2 The Ḥanafī School.....	16
2.2.1 The Complete Disregarding <i>Ikhtilāf al-maṭāli</i> ‘.....	16
2.2.2 Limited <i>Zāhir al-Riwāyah</i>	21
2.2.3 Dissenting Opinion in Ḥanafī School	23
2.3 The Mālikī School.....	26
2.3.1 The Ruling Applies to Everyone	27
2.3.2 Ibn al-Mājiṣhūn’s Limitation or Exception.....	30
2.3.3 The Limiting Consensus	32
2.3.4 al-Qarāfi Dissenting Opinion	34
2.4 The Ḥanbalī School.....	36
2.4.1 New Crescent for All.....	36
2.4.2 Ibn Taymiyyah’s Opinions	40
2.4.3 Distance of Shortening Prayer	45
2.5 The Shāfi‘ī School.....	48
2.5.1 Before and During the Time of al-Nawawī.....	48
2.5.2 After al-Nawawī.....	54
2.6 The Terms.....	60

2.7 Conclusion.....	63
CHAPTER 3	
<i>IKHTILĀF AL-MAṬĀLI‘</i> IN THE MODERN ERA	65
4.1 Introduction	65
4.2 Indonesia	66
4.2.1 MUI, NU, Muhammadiyah in Brief.....	66
4.2.2 NU’s Fatwa	70
4.2.3 Muhammadiyah’s Fatwa	77
4.2.4 MUI’s Fatwa	80
4.3 Saudi Arabia	84
4.3.1 al-Lajnah al-Dā’imah in Brief.....	84
4.3.2 al-Lajna al-Dā’ima’s Fatwa.....	85
4.4 Egypt	90
4.4.1 Dār al-’Iftā’ al-Miṣriyya in Brief	90
4.4.2 Dār al-’Iftā’ ’s Fatwa	90
4.5 Conclusion.....	94
CHAPTER 4	
MODERNIZATION AND NATIONALIZATION.....	96
4.1 Introduction	96
4.2 What is Modern Nation-State.....	96
4.2.1 Universalization of Border	97
4.2.2 Nationalism and Imagined Community	99
4.2.3 Internalization of Modern Ideas	102
4.3 Delimitation and Limitation of Technology	108
4.4 The Impact of Modern Transformations and the Reform of <i>Ikhtilāf al-Maṭāli‘</i>	111
4.5 Conclusion.....	116
CHAPTER 5	
CONCLUSION OF THESIS.....	118
BIBLIOGRAPHY	120

CHAPTER 1

GENERAL INTRODUCTION

This thesis examines the concept of *ikhtilāf al-maṭāli*‘ in the premodern period, how it shifts in the modern period, and how it has been debated and practiced under the modern nation-state, focusing on Indonesia, Saudi Arabia, Egypt in late twentieth and early twenty-first centuries Common Era (hereafter, CE) as case studies. It explores the transformation of Islamic law in modern context especially under modern nation-state framework, through the lens of *ikhtilāf al-maṭāli*‘. Accordingly, the topic of this research is Islamic law and the modern nation-state. While there is a growing body of literature on this topic, the specific study of *ikhtilāf al-maṭāli*‘ within Islamic law discourse remains rare. Moreover, the study of interrelation between modern state, sovereignty, and territory in global history and international relations requires further exploration, especially in non-European contexts.¹ This research is an attempt to address the gap in interdisciplinary field. Besides an academic gap, there is another reason for this research, namely the annual event experienced by almost all Muslims around the globe that are related to *ikhtilāf al-maṭāli*‘.

1.1 Background of Study

Almost every year in the Muslim world, there are debates about when the first day of the Islamic lunar months begins. Among these Islamic months, Ramadan, Shawwal, and Dhu’l al-Hijja are the most noticeable ones since the two major Islamic festivals, Eid al-Fitr and Eid al-Adha, are associated with them, in addition to one of the five pillars of Islam, fasting during Ramadan. However, it is common to read and hear that differences in determining the first day of these months are based on modern nation-states. For example, the first day of Ramadan in Indonesia may fall on the fourth of June, in Saudi Arabia on the third of the month, and in Egypt on the second.² The problem is that Indonesia, Saudi Arabia,

¹ Jordan Branch and Jan Stockbruegger, “State, Territoriality, and Sovereignty,” in *The Oxford Handbook of History and International Relations*, ed. Mlada Bukovansky et al., Oxford Handbooks (Oxford University Press, 2023), 179–80, <https://global.oup.com/academic/product/the-oxford-handbook-of-history-and-international-relations-9780198873457?cc=id&lang=en&#>.

² To the best of my knowledge, before writing this thesis, most differences in determining the beginning of the Islamic lunar month in the twenty-first century usually range to only one day.

and Egypt are modern nation-states that did not exist in the premodern period. Although differences in the beginning of Islamic months have occurred for centuries, differences based on the territorial boundaries of modern states are a novel phenomenon and unique to the modern history of Islamic law.

At this stage, the reader may ask: What is *Ikhtilāf al-maṭāli*? Before defining *Ikhtilāf al-maṭāli*, it is important to note that Muslims determine the timing of their annual or monthly religious festivals and rituals by observing or seeing the lunar phases,³ specifically the appearance of the new crescent moon (*hilāl*).⁴ Based on verses such as Qur’ān chapter 2, verse 189, the new moons (*al-ahillah*) are divinely designated as markers of time for religious obligations, including worship and pilgrimage.⁵ Consequently, When the *hilāl* is sighted in one area but sometimes not in another, this becomes a significant issue within *fiqh*.

Ikhtilāf al-maṭāli is a specific term in Islamic jurisprudence (*fiqh*). In its literal meaning, the term consists of two nouns in the genitive construction (*iḍāfa*): *ikhtilāf* and *maṭāli*. The former can be translated as difference, variation, diversity, or disagreement, while the latter (singular form: *maṭla*) is derived from the Arabic verb *ṭala*, meaning to rise, appear, or emerge. Thus, *maṭla* may refer to the place where or the time when the something appears or rises, it could be moon, sun, or other things. In English, the word “horizon” may be an appropriate translation for

However, in Aḥmad Muḥammad Shākir’s work, he notes that in 1939 the difference extended to two days. See Aḥmad Muḥammad Shākir, *Awāil Al-Shuhūr al-‘Arabiyya: Hal Yajūzu Shar‘an Ithbātuhā Bi-l-Ḥisāb al-Falakī? Baḥth Jadīd ‘Ilmī*, 2nd ed. (Maktaba Ibn Taymiyya, 1987), 3; Ebrahim Moosa, “Shaykh Aḥmad Shākir and the Adoption of a Scientifically-Based Lunar Calendar,” *Islamic Law and Society* 5, no. 1 (1998): 68–69, <https://doi.org/10.1163/1568519982599599>. Moreover, after writing the thesis, in the case of 2026 CE or 1447 AH, the difference in beginning of Ramadan is two days between Saudi Arabia and New Zealand. Then, It seems common to have two-days gap in determining Ramadan and other Islamic months.

³ In dissenting opinion of *fiqh* schools, some Muslim rely on astronomical calculation (*ḥisāb*) rather than direct sight of new moon.

⁴ In astronomy, the moon passes through several phases. However, the *fiqhī hilāl* refers specifically to the phenomenon occurring between the astronomical new moon and crescent moon. Therefore, according to my opinion, the closest astronomical term for *hilāl* is the new crescent moon. Nevertheless, for the purposes of this thesis, I use the terms *new crescent moon*, *new moon*, *crescent moon*, *moon*, *crescent*, and *hilāl* interchangeably, unless the context requires a more precise distinction.

⁵ M. A. Abdel Haleem, ed., *The Qur’an: A New Translation*, Oxford World’s Classics (Oxford University Press, 2005), 65; Alexander Knysh, “Months,” in *Encyclopaedia of the Qur’ān: Volume Three (J-O)*, vol. 3, ed. Jane Dammen McAuliffe, Encyclopaedia of the Qur’ān (Brill, 2003), 412–13, <https://brill.com/edcollbook/title/6913>.

maṭla ‘ in *Ikhtilāf al-maṭāli* ‘, as it describes where the moon or sun rises or sets. Hence, *Ikhtilāf al-maṭāli* ‘ can be translated as difference in horizons, different horizons, varying horizons, or diverse horizons. I use these terms and others interchangeably and loosely. In this context, the concept of different horizons refers to variations in the visibility of the new crescent moon across different regions when determining the beginning of the Islamic lunar month and whether one place should follow other place when the latter sight (*hilāl*) and the former did not.

The concept has significant implications and consequences for multiple aspects of Islamic law. Its effects are observed in acts of worship such as fasting, Zakat, and Hajj, as well as in commercial transactions like deferred sales, forward contracts (*salām*), and leasing (*ijāra*). Furthermore, it impacts family law matters including divorce, the waiting period (‘*iddah*’), custody, and maintenance (*nafaqah*). For example, in Zakat, the obligatory charity is calculated on wealth that has been held for a full lunar year (*hawl*). If the start of a lunar month (and thus the lunar year) differs between regions, then the exact date for calculating and paying Zakat might also differ for individuals in those regions. The aforementioned example one of many phenomena that shows how *Ikhtilāf al-maṭāli* ‘ could create variations in celebrating Islamic festivals and fulfilling religious obligations and rituals.

In most contemporary works on Islamic jurisprudence,⁶ the section or subsection of *Ikhtilāf al-maṭāli* ‘ is posited in the chapter of fasting (*kitāb al-ṣiyyām*) which is one of the five Islamic pillars. The concept is essential when deciding the first day of Ramadhan since all qualified adult Muslims are required to begin fasting on the first day of the month and the available time to make this decision is relatively short. Moreover, in simplified terms, the contemporary debate on *Ikhtilāf al-maṭāli* ‘ presents two primary juristic positions regarding the obligation of fasting based on new crescent moon across different places. The central debate concerns whether differences in new moon visibility should be taken into account which

⁶ Wahbah bin Muṣṭafā al-Zuhaylī, *Al-Fiqh al-Islāmī Wa Adillatuh*, Fourth revised (Dār al-Fikr, 2011), 3:1657; ‘Abd al-Rahmān ibn Muḥammad ‘Awaḍ al-Jazīrī, *al-Fiqh ‘alā al-Madhāhib al-Arba‘a*, 2nd ed. (Dār al-Kutub al-‘Ilmiyyah, 2003), 1:500; Sayyid Sābiq, *Fiqh al-Sunnah*, 3rd ed. (Dār al-Kitāb al-‘Arabī, 1977), 1:436; ‘Abd Allāh ibn Muḥammad al-Ṭayyār et al., *al-Fiqh al-Muyassar*, 2nd ed. (Madār al-Waṭan li-l-Nashr, 2012), 3:39-41; ‘Abd al-Muḥsin ibn Muḥammad al-Qāsim, *Al-Masbūk ‘alā Minhaj al-Sulūk Fī Sharḥ Tuhfat al-Mulūk*, 1st ed. (Riyadh, 2007), 3:132–33.

allows different locations to begin the Islamic lunar month on different days based on their own moon visibility (*'i'tibār Ikhtilāf al-maṭāli*'), or whether such differences should be disregarded. Hence, one place should follow the new crescent moon of another location (*la 'ibrah bi-ikhtilāf al-maṭāli*') when determining the beginning and end of Ramadan (or other Islamic lunar months). In legal words, the debate treats the question what and how the jurisdiction⁷ in *ikhtilāf al-maṭāli*', is it single global jurisdiction or the world divided into multiple jurisdictions.

Then, what is considered as “jurisdiction,” “location,” or “place” in the context of *ikhtilāf al-maṭāli*? How should its geographical boundaries be defined? More fundamentally, how has the modern territorial state—a relatively recent innovation in human history—come to shape contemporary understandings of *ikhtilāf al-maṭāli*? These are some of the questions that this thesis address. Moreover, several changes have occurred within Islamic law. More specifically, there is a shift in the conceptualization of *ikhtilāf al-maṭāli*'. The importance of this study is its attempt to observe transformations in Islamic law beyond the logic of the modern nation-state. It asks why it seem so natural that differences in horizons and Islamic months are based on modern states. This research aims to contribute to the literature on the interplay between the modern nation-state and Islamic law, particularly by examining how the former influences and infiltrates into the latter. Furthermore, to situate this discussion within a broader scholarly context, the following section engages with previous works in the field to identify what has been done and what remains underexplored.

1.2 Literature Review

In this section, I review the literature related to my study. According to my survey, there has been no specific study on *ikhtilāf al-maṭāli*'.⁸ Therefore, this

⁷ It is important to note that, in this context, jurisdiction does not mean modern legal and political state but it refers to defined area that is treated as one unit for the purposes of determining the start of an Islamic month based on new crescent. See Junaid Quadri, *Transformations of Tradition: Islamic Law in Colonial Modernity*, 1st ed. (Oxford University Press, 2021), 3, <https://doi.org/10.1093/oso/9780190077044.001.0001>.

⁸ I would like to acknowledge that there was one MA student who wrote about a related topic before me for a class assignment. She is Oumaima Bouchouk, M.A., from the batch of 2022 at the Faculty of Islamic Studies, Universitas Islam Internasional Indonesia (UIII). Her paper is titled “An Illusive Spatiotemporal Unity at the Expense of Global Muslim Unity: Ramadan and Eid Celebrations in the Muslim World.” However, throughout the writing process of this thesis, I could

section highlights the debates surrounding *ikhtilāf al-maṭāli*‘, namely the Islamic calendar, the determination of Ramadan, and moon sighting. Moreover, these topics are closely related to discussions of science and Islamic tradition.

Previous studies have discussed the transformation of Islamic tradition due to advances in technology and science. Two works that are closely related to the topic of determining Ramadan which *ikhtilāf al-maṭāli*‘ is a part of it, are Junaïd Quadri’s *Transformations of Tradition* and Daniel Stolz’s *The Lighthouse and the Observatory*. Quadri examines the shift brought about by the introduction of new technology and science—namely the telescope, telegraph, and modern astronomy—into Muslim society, focusing on Egypt and, in particular, the writings of Muḥammad Bakhīt (d. 1354/1935). He traces Bakhīt’s transition from a procedural approach, which focuses on the qāḍī’s authority and *fiqh* mechanisms, to an epistemological representationalist approach that emphasizes objective science and independent truth.⁹ Moreover, Stolz examines the interplay among Islam, science, and the empire or state, focusing on astronomy in the Egyptian context. He argues that astronomers acquired public authority through two interrelated developments in the early twentieth century. First, under the British colonial government, astronomy became increasingly relevant in reshaping scientific practices in Egypt, particularly with regard to standard measurement and standard time. Second, people increasingly turned to the observatory to determine the time, prayer schedules, the verification of ritual purity, and the calculation of the beginning of new Islamic months. According to Stolz, there were several reasons for this shift. One of the most relevant ones was the post-Ottoman sensitivity to the need for unity within the global Muslim community. Particularly among the emerging Salafi movement, a modern notion of synchrony informed the vision of an Islamic community united around a single, clear, and correct religious practice.¹⁰

not access the work. Moreover, her idea and work is a valuable contribution to the UIII academic environment.

⁹ Quadri, *Transformations of Tradition*, 133–65.

¹⁰ Daniel A. Stolz, *The Lighthouse and the Observatory: Islam, Science, and Empire in Late Ottoman Egypt*, Science in History (Cambridge University Press, 2018), 243–79, <https://doi.org/10.1017/9781108164672>.

Other studies have also mentioned the determination of Ramadan, although it is not the main focus of their research. Ogle's study on the transformation of global time also includes the Islamic calendar, examining the discourse of Muslim scholars during the first half of the twentieth century CE. Central to this discussion is the introduction of Western technology. Ogle shows that during this period the Muslim world witnessed a movement calling for a global Islamic community. One of the most prominent figures associated with this movement was Aḥmad Shākir (d. 1377/1958).¹¹ Moreover, Skovgaard-Petersen's study on Dār al-iftā' fatwas also includes a case study of the telegraph and the new moon. His research likewise focuses on the early twentieth century and argues that fatwas concerning the telegraph reflected the idea of a global *ummah*, as they introduced a new way of issuing and disseminating fatwas in the age of the telegraph and the printing press. However, Skovgaard-Petersen places greater emphasis on the fatwa and telegraph aspect than on the issue of the new moon.¹²

Other studies focus on the dynamics of determining Ramadan in Indonesia and its history. For example, Kaptein's study of the Muslim scholar Sayyid Uthmān (d. 1332/1914) also discusses his involvement in the debate over the new moon. During Sayyid Uthmān's lifetime, the debate over moon sighting and astronomical calculation had already become common (around 1868 CE). According to Sayyid Uthmān, one should not rely solely on astronomical calculation to determine the beginning of Ramadan, rather calculation should be used only to assess the possibility of establishing an actual new moon sighting.¹³ Moreover, other studies analyse the contemporary Indonesian context. For example, Hasyim's work, which examines the contemporary Indonesian Ulama Council (Majelis Ulama Indonesia, MUI), argues that the MUI has played a significant role in determining the first day of Ramadan together with the Ministry of Religious Affairs (MORA), with the aim of achieving a common approach for the sake of the unity of the Islamic community

¹¹ Vanessa Ogle, *The Global Transformation of Time: 1870-1950* (Harvard University Press, 2015), 149–77.

¹² Jakob Skovgaard-Petersen, *Defining Islam for the Egyptian State: Muftis and Fatwas of the Dār Al-Iftā* (Brill, 1997), 80–100.

¹³ Nicolaas Jan Gerrit Kaptein, *Islam, Colonialism, and the Modern Age in the Netherlands East Indies: A Biography of Sayyid Uthman (1822–1914)*, Brill's Southeast Asian Library, volume 4 (Brill, 2014), 78–80.

however, MUI is also criticized for its ineffectiveness in achieving its goal.¹⁴ Similarly, Hosen highlights the differences among Islamic organizations in Indonesia and examines how the government has responded to them.¹⁵ Furthermore, Zulian analyses fatwa-making bodies in Indonesia, focusing on those within the major Islamic organizations, namely the MUI, Nahdlatul Ulama, and Muhammadiyah.¹⁶ Some of the fatwas on the new moon examined in Zulian's study are also analysed in this thesis. However, whereas Zulian focuses on the traditionalist and reformist approaches reflected in these fatwas, my study examines the transformation of *ikhtilāf al-maṭāli* '.

For the literature review on *ikhtilāf al-maṭāli* ', the aforementioned studies mention it only in a limited way. For example, Quadri states that there is an extensive jurisprudence on this issue that is framed around the question of "horizons." It treats the question of what should be considered a single jurisdiction, such that the determination of a crescent sighting in one area of the jurisdiction applies to the whole.¹⁷ Another example is Ogle's writing, which analyses the debate on *ikhtilāf al-maṭāli* ' at the turn of the twentieth century CE.¹⁸ However, her study is limited to that period, while my analysis focuses on the late twentieth and early twenty-first centuries. Moreover, Skovgaard-Petersen only mentions the major and minor opinions on *ikhtilāf al-maṭāli* '.¹⁹ However, there is a partisan but useful review of *ikhtilāf al-maṭāli* ' by Zulfiqar Ali Shah. His work is mainly about astronomical calculation, but one of its sections summarizes the opinions of several Muslim scholars on *ikhtilāf al-maṭāli* ',²⁰ which is useful for my Chapter Two. I

¹⁴ Syafiq Hasyim, *The Shariatization of Indonesia: The Politics of the Council of Indonesian Ulama (Majelis Ulama Indonesia, MUI)*, Studies in Islamic Law and Society, vol. 52 (Brill, 2023), 300–302.

¹⁵ Nadirsyah Hosen, "Hilal and Halal: How to Manage Islamic Pluralism in Indonesia?," *Asian Journal of Comparative Law* 7 (2012): 8–12, <https://doi.org/10.1017/S2194607800000661>.

¹⁶ Pradana Boy Zulian, *Fatwa in Indonesia: An Analysis of Dominant Legal Ideas and Mode of Thought of Fatwa-Making Agencies and Their Implications in the Post-New Order Period*, 1st ed. (Routledge, 2025), 13–14, 224–25, 256, <https://doi.org/10.5117/9789462981850>.

¹⁷ Quadri, *Transformations of Tradition*, 3.

¹⁸ Ogle, *The Global Transformation of Time*, 169–70.

¹⁹ Skovgaard-Petersen, *Defining Islam for the Egyptian State*, 86.

²⁰ Zulfiqar Ali Shah, *The Astronomical Calculations And Ramadan: A Fiqhi Discourse*, with Muzammil Siddiqi (The International Institute of Islamic Thought, 2009), 12–19.

benefit from his work and build upon it. Therefore, my Chapter Two provides a more detailed analysis of the theory of *ikhṭilāf al-maṭāli*‘.

As mentioned before, despite its prominence, no previous study primarily examines the discussions of *ikhṭilāf al-maṭāli*‘, its classical doctrine, its modern practice, and its transformation. Therefore, my thesis contributes to fill this significant gap.

1.3 Research Question and Main Argument

As mentioned in the previous sections, my research focuses on the concept of *ikhṭilāf al-maṭāli*‘ or how the concept discussed and transformed, in modern period. Furthermore, it is well known that the modern nation-state has already become very central, in the topic of *ikhṭilāf al-maṭāli*‘. Hence, the main research question is:

- Why and how the concept of *ikhṭilāf al-maṭāli*‘ shifts from its the classical doctrine to modern implementation?

The main question will be followed by several sub-research questions:

- What is the classical²¹ doctrine of *ikhṭilāf al-maṭāli*‘ in four Sunni schools?
- What is the concept of *ikhṭilāf al-maṭāli*‘ in modern period, especially in late twentieth and early twenty-first centuries CE? How the debate and practice in determining new Islamic months, especially Ramadan month in Indonesia, Saudi Arabia, and Egypt?
- What are relevant modern phenomena that transform the concept of *ikhṭilāf al-maṭāli*‘ from its premodern form to the modern one?

Then, my main argument is that the transformation of the premodern, distance-based discussion of *ikhṭilāf al-maṭāli*‘ into a modern concept based on state territory is the result of the modernization and nationalization of societies. Central to this process are modern phenomena, namely the universalization of exclusively linear territorial sovereign statehood, the spread of nationalism as an imagined

²¹ I refer to “classical” and “premodern” interchangeably.

political community, and internalization through governmentality and disciplinary power exercised by state institutions, particularly the modern education system. Consequently, the shift from a "real" location-based community to an imagined one occurs in the topic of *ikhtilāf al-maṭāli* ' through several reinterpretations by modern Muslim scholars, including selective citation, the elevation of minority opinions, the generalization of exceptional cases, reference to previous practice as an independent legal source, the application of modern or anachronistic readings to classical terminology and texts, the alteration of citations, and the emphasis of certain topics while de-emphasizing others..

1.4 Methodology

To achieve meaningful research output, proper methods and approaches are required. To begin with, this thesis discusses Islamic law and the modern nation-state. Therefore, the main design of this research is qualitative and based on textual analysis with addition to several online interviews. The primary sources include *fiqh* books from the four Sunni schools, fatwas related to *Ikhtilāf al-maṭāli* ', and other relevant written or digital documents on determining Islamic months. Moreover, to select and analyse these sources, this study employs three approaches, namely historical, critical, and comparative. Therefore, the sources are selected and analysed based on historical order. Although we are currently living in the fifteenth century After Hijri (hereafter, AH), with an overwhelming number of *fiqh* books produced throughout Islamic history, this study focuses on the most authoritative *fiqh* works from each Islamic school of thought. Accordingly, at the theoretical level, this research traces the concept of *ikhtilāf al-maṭāli* ' throughout history. Then, modern relevant fatwas on the topic are critically examined through an analysis of both the texts and their contexts. Furthermore, premodern and modern discussions of the topic are compared alongside an analysis of premodern and modern phenomena.

To this end, Critical Discourse Analysis (CDA) is relevant for critically engaging with the primary and secondary sources. Moreover, CDA is examining society through discourse, and then contextualise (and understand) discourse

through an analysis of its historical, socio-political and cultural foundations.²² Furthermore, text and context are generally construed to be in a “mutually reflexive” relationship where text influences context and context influences text.²³ Additionally, since the modern transformations are obviously taking place, discourse is highly relevant for all of these changes. Thus, the Discourse-Historical Approach²⁴ suits the analysis of Islamic law transformation in modern context. When modern Islamic scholars argue that an entire nation should begin fasting and celebrate religious festivals together, in order to unify Muslims within a region, it becomes the critical discourse analyst’s task to go beyond such statements and critically examine the power relations and structural forces that underlie the discourse.

For theoretical framework, this study employs decolonial theory as its theoretical framework. In discussing decolonial theory, it is important to distinguish between its broader and narrower elements. Decolonial thought is part of a broader tradition of critical theory, whose key insight is not to impose a set of a priori values and ideals onto the social world, but rather to uncover the contradictions that already exist within it.²⁵ Its aim is to make visible an emancipatory insight into the very fabric of what we take for granted as basic to our social world. Decoloniality shares the same broader aim as critical theory but it places greater emphasis on the “legacy” of colonialism. It holds that colonialism continues to shape contemporary societies and, therefore, seeks to undo colonial effects at the epistemological level.²⁶ In short, its goal is to decolonize the production of knowledge. Moreover, decolonial theory is a broad concept encompassing several orientations under its

²² John Flowerdew and John E. Richardson, eds., *The Routledge Handbook of Critical Discourse Studies*, 1st ed., Routledge Handbooks in Applied Linguistics (Routledge, Taylor & Francis Group, 2020), 2.

²³ John Flowerdew, “Critical Discourse Studies and Context,” in *The Routledge Handbook of Critical Discourse Studies*, 1st ed., ed. John Flowerdew and John E. Richardson, Routledge Handbooks in Applied Linguistics (Routledge, Taylor & Francis Group, 2020).

²⁴ Martin Reisigl, “The Discourse-Historical Approach,” in *The Routledge Handbook of Critical Discourse Studies*, 1st ed., ed. John Flowerdew and John E. Richardson, Routledge Handbooks in Applied Linguistics (Routledge, Taylor & Francis Group, 2020).

²⁵ Michael J. Thompson, ed., *The Palgrave Handbook of Critical Theory* (Palgrave Macmillan US, 2017), 1–3, <https://doi.org/10.1057/978-1-137-55801-5>.

²⁶ Walter D. Mignolo and Catherine E. Walsh, *On Decoloniality: Concepts, Analytics, Praxis*, On Decoloniality (Duke University Press, 2018), 120–25, <https://doi.org/10.1515/9780822371779>.

umbrella. In this thesis, particular attention is given to decolonial theory in relation to Islamic studies, especially Islamic law.

Furthermore, scholars [in Islamic studies] who adopt the decolonial paradigm differ in their specific areas of focus, however they are united in several key commitments. First, they share a commitment to deconstructing Eurocentrism and colonial ideology, particularly their claims to represent universal civilization and values. Second, decolonial scholars are united in their struggle against “epistemological coercion,” since Eurocentrism and Western ideology have caused not only physical and material destruction but, more importantly, the suppression of non-Western epistemologies. With regard to decolonial studies on Islam, there are three major concerns in the field. First is the challenge to the binary opposition between the secular and the religious (for example, in the works of Talal Asad, Hussein Agrama, and Saba Mahmood). Second is the deconstruction of Western discourses and representations of Islam (for example, in the works of Joseph Massad and Edward Said). Third is the identification of modernity’s destructive impact on Islamic epistemology (for example, in the works of Wael Hallaq, Khaled Abou El Fadl, and Shahab Ahmed).²⁷ This thesis is more closely aligned with the third concern. However, it does not fully adopt this position, as it seeks to identify the transformations of Islamic law caused by modernity rather than to label these changes as inherently destructive. In other words, this thesis is descriptive rather than prescriptive.

According to a number of scholars, the invention and spread of modern nation-state are heavily related to European or Western colonialism.²⁸ Then, to live under nation-state framework means to live under colonial heritage. As Hallaq criticizes the Muslim leading intellectual that “have come to take the modern state

²⁷ Muhammad Rofiq Muzakir, *Dekolonisasi: Metodologi Kritis Dalam Studi Humaniora Dan Studi Islam* (Yayasan Bentala, 2023).

²⁸ Wael B. Hallaq, *The Impossible State: Islam, Politics, and Modernity’s Moral Predicament* (Columbia University Press, 2013); Benedict R. O’G Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Verso, 2006); Mignolo and Walsh, *On Decoloniality*; Jordan Branch, *The Cartographic State: Maps, Territory, and the Origins of Sovereignty*, 1st ed. (Cambridge University Press, 2013), <https://doi.org/10.1017/CBO9781139644372>.

for granted, accepting as natural reality,”²⁹ here, I examine why it is considered intuitive to start Islamic months based on modern state territory despite its new invention. Moreover, Mignolo states “How do you decolonize the state and political theory if you do not open up your thinking to forms of governance beyond the nation-state?”³⁰ Therefore, to decolonize Islamic law especially on *Ikhtilāf al-maṭāli*‘, one must think beyond nation-state framework.

1.5 Plan of the Thesis

This thesis’s structure is as follows: Chapter One is General Introduction. This chapter explains the rationale, scope, objective, and significance of the research. Next, it reviews previous relevant scholarly works in the field. It then presents the research questions and the main argument. Furthermore, it describes the methodology to answer the research questions. Moreover, Chapter Two is The Doctrine. This chapter surveys the debates on *Ikhtilāf al-maṭāli*‘ across the four Sunni schools of Islamic jurisprudence throughout history, focusing on the authoritative works within each school. Hence, the four Sunni Islamic jurisprudence schools are the limitation of the chapter, without mentioning non-Sunni schools since all case studies are Sunni Muslim-majority countries (Saudi Arabia, Egypt, and Indonesia). Chapter Two is divided into main five sections, excluding its introduction and conclusion. The first four chapters are analysis of each Islamic jurisprudence school and each section is divided into several subsections based on standard opinion of the madhhab and the dissenting ones. Besides four sections of Chapter Two, the fifth section describes important terms from previous four sections.

Furthermore, Chapter Three is *Ikhtilāf al-Maṭāli*‘ in the Modern Era. This chapter examines relevant contemporary fatwas and documents on *ikhtilāf al-maṭāli*‘ and determining Ramadan from major Islamic institutions, including Muhammadiyah, Nahdlatul Ulama, Majelis Ulama Indonesia, Dār al-Iftā’ al-Miṣriyyah, and al-Lajnah al-Dā’imah. Chapter Three is divided into three sections for three modern states namely, Indonesia, Saudi Arabia, and Egypt as case study.

²⁹ Hallaq, *The Impossible State*, x.

³⁰ Mignolo and Walsh, *On Decoloniality*, 136.

Moreover, Chapter Four is Modernization and the Nationalization. This chapter is the analytical part of the thesis. It examines why and how the concept of *ikhṭilāf al-maṭāli*‘ has transformed from its premodern *fiqhī* doctrine to modern implementation in the practice. Chapter Four explains the context of the transformation of Islamic legal discourse on *ikhṭilāf al-maṭāli*‘. I argue that there are several phenomena that influence the discourse namely, universalization of exclusive border, spread of nationalism as imagined community, internalization of modern ideas. Finally, Chapter Five is Conclusion of Thesis. This chapter synthesizes the findings of the research and provides answers to the research questions.

CHAPTER 2

THE DOCTRINE

2.1 Introduction

This chapter examines the development of the doctrine of *ikhtilāf al-maṭāli* across the four major Sunni schools of Islamic law: Ḥanafī, Mālikī, Ḥanbalī, and Shāfi‘ī. In general cases, I put the Shāfi‘ī school³¹ before the Ḥanbalī school, as is common in most *fiqh* literature. However, in this specific topic, the Shāfi‘ī school is placed last because it represents a minor opinion in the Sunni tradition and has the most detailed discussion. Moreover, the concept of *ikhtilāf al-maṭāli* addresses a question in Islamic jurisprudence: when the new moon of Ramadan or Shawwal is sighted at some places and not at the others, does that sighting obligate Muslims in other places to begin fasting, or does each place follow its own new moon ruling? This issue is discussed throughout the history in *fiqh* books. This chapter is the theory part of *ikhtilāf al-maṭāli* and also transformation.

It is important to note that the topic of *ikhtilāf al-maṭāli* is part of broader topic on determining Ramadan. According to my reading, the topic determining Ramadan includes *ḥisāb/ru‘yah* debate (astronomical calculation and moon sighting), testimony/narration on moon sighting, and *ikhtilāf al-maṭāli*. This thesis focuses on *ikhtilāf al-maṭāli* while in some cases it could overlap with other topics.

The methodology employed in this chapter is primarily historical textual comparative analysis, tracing the evolution of juristic opinions within each school from their earliest formulations until modern period. The chapter benefits from modern *fiqh* books that summarize the previous texts on *ikhtilāf al-maṭāli*. However, by identifying references and following the scholarly networks within each school of thought back to the earliest known published sources, the chapter contributes for more detailed discussion on *ikhtilāf al-maṭāli*. Moreover, I structure each section in this chapter, to be divided thematically based on main and dissenting

³¹ Sunni Islamic tradition is the majority in today’s Muslim world. For more about Sunni schools of Islamic law, see Christopher Melchert, *The Formation of the Sunni Schools of Law, 9th–10th Centuries C.E.*, Studies in Islamic Law and Society, v. 4 (Brill, 1997); Wael B. Hallaq, *The Origins and Evolution of Islamic Law*, Themes in Islamic Law (Cambridge University Press, 2004), 150–77, <https://doi.org/10.1017/CBO9780511818783>.

opinions in the school then, I analyse it chronologically, identifying key jurists and their works, analysing the substantive arguments presented, and noting how later scholars engaged with and refined the positions of their predecessors. In addition, I avoid to mention the geographical divisions in modern English, such as city, country, and town. Rather, I state it in transliterated words, such as *balad*, *mawḍiʿ*, or *miṣr*.

The chapter also engages the proof or evidence cited by jurists, particularly the hadith Kurayb, which appears prominently in discussions of this topic across all schools:

Kurayb reported that Umm al-Faḍl, daughter of Hārith, sent him to Muʿāwiya in Shām. I (Kurayb) arrived in Shām, and did my duty. It was there in Shām that the month of Ramadan commenced. I saw the new moon (of Ramadan) on Friday. I then came back to Medina at the end of the month. Abdullah ibn ʿAbbās (Allah be pleased with him) asked me [about the new moon of Ramadan] and said: When did you see it? I said: We saw it on the night of Friday. He said: (Did) you see it yourself? I said: Yes, and the people also saw it and they fasted and Muʿāwiya also fasted, whereupon he said: But we saw it on Saturday night. Then, we will continue to fast till we complete thirty (fasts) or we see it (the new moon of Shawwal). I said: Is the sighting of the moon by Muʿāwiyah not enough for you? He said: No, this is how the Messenger of Allah (ﷺ) has commanded us.

Yaḥyā ibn Yaḥyā [one of the narrators] was in doubt (whether the word used in the narration by Kuraib) was “enough for us” or “enough for you”.³²

Besides hadith Kurayb, another important evidence is hadith *ṣūmū li-ruʾyatihī*

Start fasting on sighting it (the new moon) and break it on sighting it. But if (due to clouds) the actual position of the

³² Abū al-Ḥusayn Muslim ibn al-Ḥajjāj al-Qushayrī al-Naysābūrī Muslim, *Ṣaḥīḥ Muslim*, 1st ed. (Maṭbaʿat Muṣṭafā al-Bābī al-Ḥalabī, 1991), 2:765.

month is concealed from you, you should then count thirty (days).³³

In addition, there are other hadith mentioned throughout the chapter however, hadith Kurayb and hadith *ṣūmū li-ru'yatihi* are dominant in the discussion.

The chapter is structured as follows, there are five main sections where the first four are Sunni schools and the last is section explaining the terms in previous sections. As mentioned before, Shāfi'ī school is the last from four since it is minor opinion among other Sunni school and have most detailed discussion on the topic.

2.2 The Ḥanafī School

The main position of Ḥanafī scholars regarding *ikhtilāf al-maṭāli'* is *lā 'ibrah bi-ikhtilāf al-maṭāli'* or the difference in new crescent moon sighting among places is not considered. In other words, the people of the place that do not see the new crescent moon should follow the others in another place that see it. However, the main position is not the only opinion in Ḥanafī school. Furthermore, the Ḥanafī scholars have different definition of what *lā 'ibrah bi-ikhtilāf al-maṭāli'* means. Some of them put limits on the definition and others do not. Moreover, in Ḥanafī tradition, the term *ẓāhir al-riwāya* means main, standard, relied opinion in the school. In this section, I divide Ḥanafī opinions into three subsections. First, the complete disregarding *ikhtilāf al-maṭāli'*. The second, limited *ẓāhir al-riwāya*. Third, dissenting opinion in the school. In each subsection, I explain the positions of Ḥanafī scholars in chronological order, from the earliest to the early-modern prominent Ḥanafī scholar Ibn 'Ābidīn (d. 1252/1836).

2.2.1 The Complete Disregarding *Ikhtilāf al-maṭāli'*

In this subsection, I list the opinions of Ḥanafī scholars that view if one place sees new crescent moon, all places should follow it. Some scholars implicitly state the aforementioned opinion by not limiting the ruling of new moon while

³³ Abū 'Abd Allāh Muḥammad ibn Ismā'īl ibn Ibrāhīm al-Bukhārī, *Ṣaḥīḥ Al-Bukhārī*, 5th ed. (Dār Ibn Kathīr, 1993), 2:674.

others explicitly mention that the ruling of one place should be followed by all people or places in the world.

Qāḍī Khān's (d. 592/1196) opinion is the earliest main opinion in the school that could be found in published book. His opinion later was cited several times by Ḥanafī and other scholars. He states that

If the people of one *miṣr* fasted for thirty days based on the sighting (valid method) and the people of another *miṣr* for twenty-nine days based on the sighting. If it is known that those who fasted for twenty-nine days did so, then they must make up one day. The difference in the sightings is not considered (*lā 'ibra li-ikhtilāf al-maṭāli*'), according to the *ẓāhir al-riwāya*.³⁴

In the statement, Qāḍī Khān does not put any limitation on distance for the another *miṣr* that should make up their fasting to follow others moon sighting. In fact, He describes if there is earlier moon sighting report comes from far place (*makān*), it should be considered. Here, according to Qāḍī Khān, the far distance is not a condition to reject the testimony of moon sighting.

One century after Qāḍī Khān, around late seventh and early eighth century AH, three authoritative Ḥanafī texts (*matn*) were written by al-Mawṣilī (d. 683/1284), Ibn al-Sā'ātī (d. 694/1295), and al-Nasafī (d. 710/1310). Moreover, al-Mawṣilī and Ibn al-Sā'ātī wrote the (auto-) commentaries on their own texts while al-Nasafī's text was commented by later scholars. Furthermore, all of these three scholars agree on choosing the main opinion of Ḥanafī school. First, al-Mawṣilī states

“If it is established [moon sighting] in one *balad*, it is binding on all people, and *lā i'tibāra bi-ikhtilāf al-maṭāli* 'i” This is how Qāḍī Khān mentioned it and it is *ẓāhir al-riwāya*.³⁵

³⁴ Fakhr al-Dīn Abū al-Maḥāsīn al-Ḥasan ibn Maṣṣūr ibn Maḥmūd al-Uẓjandī al-Farghānī al-Ḥanafī Qāḍī Khān, *Fatāwā Qāḍī Khān Fī Madhhab Al-Imām al-A'zam Abī Ḥanīfa al-Nu'mān*, 1st ed. (Dār al-Kutub al-'Ilmiyya, 2009), 1:176–175.

³⁵ 'Abd Allāh ibn Maḥmūd ibn Mawḍūd al-Ḥanafī al-Mawṣilī, *Al-Ikhtiyār Li-Ta'līl al-Mukhtār*, 1st ed. (al-Risāla al-'Ilmiyya, 2009), 1:405.

Here, al-Mawṣilī has similar opinion with Qāḍī Khān even the former cites the latter. al-Mawṣilī refers to previous scholar to support his opinion and he also adds that in *al-Muntaqā* from Abū Yūsuf,³⁶ the obligation to make up the fast [because of *ikhtilāf al-maṭāli*'] is not differentiated [by distance]. Moreover, al-Mawṣilī uses the term *balad* while Qāḍī Khān uses the term *miṣr*. In the other hand, Ibn al-Sā'ātī writes similar statement but uses the term *miṣr* "If it is established in one *miṣr* ..." and to support his opinion, Ibn al-Sā'ātī approach it through analogical reasoning³⁷ where he describes "the act of worship is general for everyone, so making it obligatory for everyone is more prudent (*aḥwaṭ*)". In addition to previous texts, al-Nasafī has the shortest text on the topic³⁸ where he only writes "*lā 'ibrah li-ikhtilāf al-maṭāli*'." Besides the three aforementioned *matns*, there are three other authoritative works in Ḥanafī tradition namely, *Mukhtaṣar al-Qudūrī*, *al-Wiqāyah*, and *al-Hidāyah*, however, they did not engage with the topic while some of their commentaries and super commentaries did.

In the topic of *ikhtilāf al-maṭāli*', on the side of the main opinion of the Ḥanafī school, Ibn al-Humām (d. 861/1457) is the prominent authoritative scholar in the field. His views and opinions are regarded as the official position in the Ḥanafī tradition, and have been cited and followed by later Ḥanafī scholars, including Ibn 'Ābidīn (d. 1252/1836), who is considered a leading Ḥanafī scholar of the early modern era. Ibn al-Humām's book *Fath al-Qadīr* is the commentary on *al-Hidāyah* and as mentioned before, *al-Hidāyah* did not mention any opinion on *ikhtilāf al-maṭāli*'. Here, Ibn al-Humām begins by stating the principle of the topic "If it (moon sighting) is established in one *miṣr*, it is binding on all people." Then, Ibn al-Humām adds several important points into the discussion³⁹ and I list them in the following numbered list lines.

³⁶ Abū Yūsuf is famous early Ḥanafī jurist however, I could not find the work *al-Muntaqā*. See Shams al-Dīn Muḥammad ibn Aḥmad ibn 'Uthmān al-Dhahabī, *Siyar A'lam al-Nubalā'*, 3rd ed. (Mu'assasah al-Risālah, 1985), 8:535-539.

³⁷ Muḥaffar al-Dīn Aḥmad ibn 'Alī ibn al-Sā'ātī, *Sharḥ Majma' Al-Baḥrayn Wa-Multaqā al-Nayyirayn*, 1st ed. (Dār al-Falāḥ, 2016), 3:224.

³⁸ Abū al-Barakāt 'Abd Allāh ibn Aḥmad al-Nasafī, *Kanz Al-Daqā'iq*, 1st ed. (Dār al-Sirāj, Dār al-Bashā'ir al-Islāmiyya, 2011), 220.

³⁹ Muḥammad ibn 'Abd al-Wāḥid ibn 'Abd al-Ḥamīd ibn Mas'ūd al-Sīwāsī al-Iskandarī Kamāl al-Dīn ibn al-Humām, *Fath Al-Qadīr 'alā al-Hidāyah*, 1st ed. (Dār al-Kutub al-'Ilmiyya, 2003), 2:318-19.

1. “The people of the east must follow the [moon] sighting of the people of the west, according to *ẓāhir al-madhhab*.” The point number one is crucial since it distinguishes between the major and minor opinion in the Sunni schools when they argue that the visibility of new crescent moon is clearer in the west direction.⁴⁰ Then, the point number one emphasize even though people of the east could not see it, they must follow the ruling of people in the west if they see it.
2. Ibn al-Humām interpret the hadith “‘Fast [in plural form, *ṣūmū*]’ which is contingent upon the any sighting in the statement [hadith] ‘because the sighting of it’ and when the sighting of people (*qawm*) to whom the term ‘sighting’ applies, thus establishing the generality of the ruling to which it relates, and that makes the obligation general [for all people].” While the previous works did not mention hadith, Ibn al-Humām cites and interpret it to support his opinion.
3. Ibn al-Humām also describes the dissenting opinion and mentions *Ṣāhib al-Tajrīd*⁴¹ as the example while others Ḥanafī scholars mention al-Zayla‘ī (d. 743/1343) as dissenting opinion. Both of them are referred several times for example.
4. Ibn al-Humām also engages with hadith Kurayb where it is used by the dissenting opinion as main reason for *i‘tibār ikhtilāf al-maṭālī*. Ibn al-Humām argues that what happened in hadith Kurayb has no reasoning against the main opinion, since he (Kurayb) did not testify to the testimony of another, nor to the judge's ruling (*ḥukm al-ḥākim*). If it is said that his report about Mu‘āwiyah’s fasting includes him because he is the *‘Imām*, the response is that he did not use the wording of the testimony. Even if it was done, it is a

⁴⁰ See footnote no. (fn) 148

⁴¹ When I first time read *Ṣāhib al-Tajrīd*, I thought it was *al-Tajrīd* by al-Qudūrī. However, according to my survey, He is ‘Abd al-Raḥmān ibn Muḥammad ibn Amīruwayh, Abū al-Faḍl al-Kirmānī (457-543 AH = 1065-1149 CE): A Hanafi jurist who became the leading authority of the school in Khurasan. He was born in Kerman and died in Merv. Among his works are: *al-Tajrīd* on jurisprudence, *al-‘Idāh fī Sharḥ al-Tajrīd* in three volumes, *Sharḥ al-Jāmi‘ al-Kabīr*, and *al-Fatāwā*. See in Khayr al-Dīn ibn Maḥmūd ibn Muḥammad ibn ‘Alī ibn Fāris al-Ziriklī, *Al-A‘lām*, 15th ed. (Dār al-‘Ilm li-l-Malāyīn, 2002), 3:327.

single testimony that does not establish the obligation of the judge (*al-qāḍī*) to make up the missed fast.

Then, Ibn al-Humām ends the discussion by stating that choosing *ẓāhir al-riwāya* is more prudent (*aḥwaṭ*). Furthermore, the later Ḥanafī scholars frequently engage with Ibn al-Humām’s points with or without citing directly his works.

In late tenth and early eleventh century AH (After Hijri), three famous commentaries⁴² are produced by three Ḥanafī scholars namely, Zayn al-Dīn ibn Nujaym (d. 970/1563), Sirāj al-Dīn ibn Nujaym (d. 1005/1596), and ‘Alī al-Qārī (d. 1014/1606). All of them has similar description on the topic with Ibn al-Humām’s aforementioned points. All of the three mention the point number one about east following west. For point number four, both Zayn al-Dīn ibn Nujaym and ‘Alī al-Qārī follow Ibn al-Humām’s explanation and reasoning on hadith Kurayb. For point number three, dissenting opinion, since Zayn al-Dīn and Sirāj al-Dīn’s works are commentaries on *Kanz al-Daqā’iq*, they refer to the previous older commentary on *Kanz*, al-Zayla‘ī’s *Tabyīn al-Ḥaqā’iq* as dissenting opinion outside *ẓāhir al-riwāya*, while ‘Alī al-Qārī mentions *Ṣāhib al-Tajrīd* as dissenting opinion. Moreover, ‘Alī al-Qārī refers to hadith *ṣūmū* and its reasoning from point number two. While ‘Alī al-Qārī mentions all four point number, He did not mention Ibn al-Humām or *Fatḥ al-Qadīr* where both Zayn al-Dīn and Sirāj al-Dīn cite and mention the name Ibn al-Humām.

Some Ḥanafī scholars from tenth century AH onward add varieties to the discussion. To mention, al-Ḥalbī (d. 956/1549) in his *Multaqā al-Abḥur*, he writes the principle “If it [moon sighting] is established in one *mawḍi’*, it becomes binding on all people⁴³...” Here, while the previous Ḥanafī scholars use the terms such as *miṣr*, *makān*, or *balad*, al-Ḥalbī uses term *mawḍi’*. Moreover, in *Marāqī al-Falāḥ* by al-Shurunbulālī (d. 1069/1659) and its super commentary by al-Ṭaḥṭāwī (d.

⁴² Zayn al-Dīn ibn Ibrāhīm ibn Muḥammad Zayn al-Dīn ibn Nujaym, *Al-Baḥr al-Rā’iq Sharḥ Kanz al-Daqā’iq*, 1st ed. (Dār al-Kutub al-‘Ilmiyya, 1997), 2:471–72; Sirāj al-Dīn ‘Umar ibn Ibrāhīm Sirāj al-Dīn ibn Nujaym, *Al-Nahr al-Fā’iq Sharḥ Kanz al-Daqā’iq*, 1st ed. (Dār al-Kutub al-‘Ilmiyya, 2002), 2:14; Nūr al-Dīn Abū al-Ḥasan ‘Alī ibn Sulṭān Muḥammad al-Harawī al-Qārī ‘Alī al-Qārī, *Fatḥ Bāb Al-‘Ināyah Bi-Sharḥ al-Nuqāyah*, 1st ed., ed. Muḥammad Nizār Tamīm and Haytham Nizār Tamīm (Dār al-Arqam ibn Abī al-Arqam, 1997), 567.

⁴³ ‘Abd Allāh ibn Muḥammad ibn Sulaymān Dāmād Afandī, *Majma’ Al-Anhur Fī Sharḥ Multaqā al-Abḥur*, 1st ed. (Dār al-Kutub al-‘Ilmiyya, 1998), 1:352.

1231/1816) states⁴⁴ "If the new crescent moon is established in a *baldah* and *maṭla* ' of a *quṭr*, then it is binding on all people according *ẓāhir al-riwāya* and the fatwa is based on it (*'alayhi al-fatwā*)... [then al-Ṭaḥṭāwī emphasizes the ruling binds on all people] in all part or direction (*aqṭār* [plural form of *quṭr*]) in the world." At this point, there are several terms for referring to "place" and al-Ṭaḥṭāwī completely delimit the concept *lā 'ibra li-ikhtilāf al-maṭāli* ' to global level (the term "world").

Finally, for this subsection, the prolific and authoritative Ḥanafī scholar, Ibn 'Ābidīn (d. 1252/1836) has the most comprehensive writings on *ikhtilāf al-maṭāli* ' in Ḥanafī schools which could be founded in three of his works⁴⁵, *Hāshiyat Radd al-Muḥtār* or *Hāshiyat Ibn 'Ābidīn, Risālat Tanbīh al-Ghāfil wa-l-Wasnān ilā Ithbāt Hilāl Ramaḍān*, and *Minḥat al-Khāliq*. After explaining previous opinions from several schools, he concludes that the relied-upon and strongest opinion in the Ḥanafī school is that differences in horizons are not considered, this is the dominant position of the *ẓāhir al-riwāyah* and the view adopted in authoritative works such as *al-Kanz* [by al-Nasafī]. Moreover, he also states that this is the dominant position among the Ḥanbalīs, and the Mālikīs.

2.2.2 Limited *Ẓāhir al-Riwāyah*

This subsection is unique since the previous one already explains the standard position in the madhab. While *ẓāhir al-riwāyah* did not limit the applicability on the moon sighting to certain distance or places, there is opinion that limits *ẓāhir al-riwāyah*.

al-Samarqandī (d. 539/1144) is the only one who mention *ẓāhir al-riwāyah* and limits it. In his book *Tuḥfat al-Fuqahā* ', he explains that There are two cases in determining Ramadan month which are clear and unclear sky. For clear sky, al-

⁴⁴ Ḥasan ibn 'Ammār ibn 'Alī al-Shurunbulālī al-Miṣrī al-Ḥanafī al-Shurunbulālī, *Marāqī Al-Falāḥ Sharḥ Matn Nūr al-Īdāḥ*, 2nd ed. (Dār al-Kutub al-'Ilmiyya, 2004), 1:237; Aḥmad ibn Muḥammad ibn Ismā'īl al-Ṭaḥṭāwī al-Ḥanafī al-Ṭaḥṭāwī, *Hāshiyat Al-Ṭaḥṭāwī 'alā Marāqī al-Falāḥ Sharḥ Nūr al-Īdāḥ*, 1st ed. (Dār al-Kutub al-'Ilmiyya, 1997), 1:656.

⁴⁵ Muḥammad Amīn ibn 'Umar ibn 'Abd al-'Azīz 'Ābidīn Ibn 'Ābidīn, "Minḥat Al-Khāliq," in *Al-Baḥr al-Rā'iq Sharḥ Kanz al-Daqā'iq*, 1st ed., vol. 2, by Zayn al-Dīn ibn Ibrāhīm ibn Muḥammad Ibn Nuḥaym (Dār al-Kutub al-'Ilmiyya, 1997), 471–72; Muḥammad Amīn ibn 'Umar ibn 'Abd al-'Azīz 'Ābidīn Ibn 'Ābidīn, *Hāshiyat Radd Al-Muḥtār 'alā al-Durr al-Mukhtār: Sharḥ Tanwīr al-Abṣār* (Dār 'Ālam al-Kutub, 2004), 3:365–363; Muḥammad Amīn ibn 'Umar ibn 'Abd al-'Azīz 'Ābidīn Ibn 'Ābidīn, "Risālat Tanbīh Al-Ghāfil Wa-l-Wasnān Ilā Ithbāt Hilāl Ramaḍān," in *Arba' Rasā'il Fī Hilāl Khayr Al-Shuhūr*, 1st ed., ed. Ḥasan Aḥmad Isbar (Dār Ibn Ḥazm, 2000), 104–10.

Samarqandī explains that one- or two-person's testimony of moon sighting should be rejected by the judge (*qāḍī*) and it needs a group of people testimony if the testimony comes from inside *miṣr*. However, If the testimony comes from outside the *miṣr*, there are two opinions on this. First, as al-Ṭaḥāwī mentioned, that the report of a single person is accepted, because its *maṭla'* or horizon differ with respect to visibility due to the clearer sky outside the *miṣr*. But according to the *ẓāhir al-riwāya*, no such distinction is considered, because the *maṭāli'* do not differ except in cases of great distance (*al-masāfah al-ba'īdah al-fāḥishah*).⁴⁶ Here, al-Samarqandī sets indicator for difference of *maṭāli'* which is extremely far distance.

al-Kāsānī (d. 587/1191) who is the student of al-Samarqandī, has similar position with his teacher. al-Kāsānī engages with the topic by mentioning the example if people of one *balad* fast thirty and other *balad* fast twenty-nine days [both by valid method], those who fast twenty-nine days must make up one day because they did not fast when the sighting was established.⁴⁷ However, al-Kāsānī also limits by stating that this ruling applies when the two *balads* are close enough that *maṭāli'* do not differ, but if they are extremely far away (*al-masāfah al-fāḥishah*), each people of *balad* follow its own *maṭāli'*, since distant regions may have different moon sighting times and one *balad* is not bound by the ruling of the other. Moreover, al-Kāsānī refers to fatwa from Abū Mūsā al-Ḍarīr⁴⁸ that states the time for breaking fast is different for the people on high level of minaret and those on the ground since their sunset time differ, to support his opinion.

In short, both al-Samarqandī and al-Kāsānī agree that *balads* and *miṣr* in near distance should have one ruling and what defines the far distance is different

⁴⁶ Abū Bakr 'Alā' al-Dīn Muḥammad ibn Aḥmad ibn Abī Aḥmad al-Samarqandī, *Tuḥfat Al-Fuqahā'*, 1st ed. (Dār al-Kutub al-ʿIlmiyya, 1984), 1:346.

⁴⁷ The example is similar is similar with Qāḍī Khān's, see footnote 34. However, Qāḍī Khān uses term *miṣr* and al-Kāsānī uses *balad*. Moreover, Qāḍī Khān did not limit it while al-Kāsānī does.

⁴⁸ Abū Mūsā al-Ḍarīr is cited several times in this topic and outside it. I assume he is Abū al-'Alā' (some said: Abū 'Abd Allāh) Muḥammad ibn 'Isā ibn Abī Mūsā al-Ḍarīr, The Hanafī jurist served as judge of Baghdad during the reigns of al-Muttaqī and al-Mustakfī. He authored numerous works, including commentaries on "al-Ziyadat," "al-Jamī' al-Kabir," "al-Jamī' al-Saghir," and an eight-volume work on the principles of jurisprudence. He was a trustworthy and renowned scholar of Islamic law. He was murdered by thieves in his home (d. 334 /945). See Muḥyī al-Dīn Abū Muḥammad 'Abd al-Qādir ibn Muḥammad ibn Muḥammad ibn Naṣr Allāh Ibn Sālim ibn Abī al-Wafā' al-Hanafī 'Abd al-Qādir al-Qurashī, *al-Jawāhir al-Muḍiyya fī Ṭabaqāt al-Hanafīyya*, 2nd ed., ed. 'Abd al-Fattāḥ Muḥammad al-Ḥilw (Dār Hajar lil-Ṭibā'a wa-al-Nashr, 1993), 3:295-296.

maṭāli‘. In addition, both did not engage with hadith Kurayb which is considered the main source for dissenting opinion. However, they do not explain how to define different *maṭāli*‘. Moreover, al-Samarqandī considers aforementioned opinion as *ẓāhir al-riwāya*, al-Kāsānī did not mention the term.

2.2.3 Dissenting Opinion in Ḥanafī School

Most of dissenting opinions in Ḥanafī literature on the topic are found in the books which the authors prefer *ẓāhir al-riwāya*. In the other way, some of Ḥanafī scholars’ works are not available in published form, thus their words exist in other published books. The only author that prefers the dissenting opinion is al-Zayla‘ī (d. 743/1343) where his statement could be read in his work *Tabyīn al-Ḥaqā‘iq*.⁴⁹ Moreover, the dissenting opinion in the school is *i‘tibār ikhtilāf al-maṭāli*‘ which means different rulings for different horizons.

Before al-Zayla‘ī, the early discussion on this side is by al-Ṭaḥāwī, in *al-Fatāwā al-Ḥusāmiyyah*, and *Sharḥ Majma‘ al-Baḥrayn*. The first statement from al-Ṭaḥāwī in *Badā‘i‘ al-Ṣanā‘i*‘ already mentioned⁵⁰ in previous subsection where he states in the case of clear, one testimony from outside the *miṣr* could be considered since its sky is clearer⁵¹. Furthermore, in *al-Ikhtiyār*, the author, after mentioning *ẓāhir al-riwāya*, cites the dissenting view from *al-Fatāwā al-Ḥusāmiyyah*⁵² that limits the ruling to those in same *maṭla*‘ and if two *miṣrs* have different *al-maṭāli*‘, the one should not follow the other. In the book *Sharḥ Majma‘ al-Baḥrayn*, Ibn al-Sā‘ātī mentions the reasoning for this side that the crescent sighting only applies to those of *miṣr* where it appears and it is compared to time of praying where movement of sun only apply to specific people (*qawm*).

The name *Ṣāhib al-Tajrīd*⁵³ appears several times in some Ḥanafī books and it is cited by Ibn al-Humām, Alī al-Qārī, and al-Shurunbulālī. They write that the

⁴⁹ ‘Uthmān ibn ‘Alī al-Ḥanafī al-Zayla‘ī, *Tabyīn Al-Ḥaqā‘iq Sharḥ Kanz al-Daqā‘iq Wa-Ḥāshiyat al-Shilbī*, 1st ed. (Dār al-Kutub al-‘Ilmiyya, 2000), 2:164–65.

⁵⁰ See footnote (fn) 46

⁵¹ ‘Alā‘ al-Dīn Abū Bakr ibn Mas‘ūd ibn Aḥmad al-Kāsānī, *Badā‘i‘ Al-Ṣanā‘i Fī Tartīb al-Sharā‘i*‘, 2nd ed. (Dār al-Kutub al-‘Ilmiyya, 2003), 2:346.

⁵² I could not find the book named *al-Fatāwā al-Ḥusāmiyyah*. However, there is book called *al-wāqī‘āt al-ḥusāmiyya* but I don’t have access to it.

⁵³ See fn 41

dissenting opinion (*i 'tibār ikhtilāf al-maṭāli*) is preferred by *Ṣāhib al-Tajrīd* and the main reason is hadīth Kurayb.

For the dissenting opinion in the school, al-Zayla'ī (d. 743/1343) is the prominent and authoritative Ḥanafī scholars in this side whose opinion is cited several times by later scholars including Ibn 'Ābidīn, as the representative of dissenting opinion. To remind, al-Zayla'ī's book *Tabyīn al-Ḥaqā'iq* is commentary on *Kanz* where it clearly states "*lā 'ibra bi-ikhtilāf al-maṭāli*" as preferred one. Interestingly, al-Zayla'ī confirms it as the main position of the school by stating that most previous Ḥanafīs (*akthar al-mashāyikh*) on that view.⁵⁴ However, the *ashbah*⁵⁵ opinion is *i 'tibār ikhtilāf al-maṭāli* for four reasons.

1. Because each people (*qawm*) are ruled according to their context.
2. The gap of the new crescent moon from the sunshine varies according to different *aqtār*, just as the beginning and end of prayer times vary according to different *aqtār*.
3. al-Zayla'ī also cites the aforementioned fatwa from Abū Mūsā al-Ḍarīr on different time and *maṭla'* between those on the minaret and on the ground.
4. Hadith Kurayb as *al-dalīl* (reasoning or evidence).

While al-Zayla'ī writes those four points to support his opinion to consider *ikhtilāf al-maṭāli* however, he did not describe the specific measurement of where or when *ikhtilāf al-maṭāli* may happen. Thus, the attempt to provide the measurement could be found in the statement referred to *al-Jawāhir*⁵⁶ where it states that differences in *al-maṭāli* or horizons are considered in the distance of one month of travel (*masīrat al-shahr*). This is supported by the story of Prophet Sulaymān (peace be upon him), who would travel each morning (*ghudūw*) and afternoon (*rawāḥ*) from one *Iqlīm* to another, with the distance between each *Iqlīm*

⁵⁴ al-Zayla'ī, *Tabyīn Al-Ḥaqā'iq*, 2:164–65.

⁵⁵ The term *ashbah* in *fiqh*, means that the opinion is closer to texts, reason, and proof. See Maryam Muḥammad Ṣāliḥ al-Ḍufayrī, *Muṣṭalahāt al-Madhāhib al-Fiqhiyyah*, 1st ed. (Dār Ibn Ḥazm, 2002), 119.

⁵⁶ I could not find the book *al-Jawāhir*, some scholars refer the words to al-Quhustani while he refers to al-Jawanir. See in Muḥammad ibn Ḥusām al-Dīn al-Khurāsānī al-Quhustānī Shams al-Dīn, *Jāmi' Al-Rumūz Sharḥ Mukhtaṣar al-Wiqāyah al-Musammā Bi-al-Naqāyah*, 1st ed. (Maṭba' Maẓhar al-'Aja'ib, 1858), 204; Dāmād Afandī, *Majma' Al-Anhur*, 1:353; Ibn 'Ābidīn, *Radd Al-Muḥtār*, 3:363; al-Ṭaḥṭāwī, *Hāshiyat Al-Ṭaḥṭāwī*, 1:656.

being a month of journey. Here, *al-Jawāhir* adds defining feature for difference horizons which is *masīrat al-shahr* or one month of travel.

Moreover, in *Hāshiyat al-Ṭaḥṭāwī*, the author mentions statement similar to the point number two from al-Zayla‘ī’s but refers to *Syarḥ Sayyid*⁵⁷ then states that this is confirmed by astronomy (*‘Ilm al-falak wa al-hay’a*).⁵⁸ Here, the dissenting opinion bases their reasoning on astronomical science and calculation besides analogical reasoning, hadith, and previous scholar’s opinion.

In sum, there are main and dissenting opinions in Ḥanafī school and the major ones has two versions. For the standard opinion, Qāḍī Khān put the principle in the earlier period around sixth century AH. Then, Ibn Humam from ninth century AH, build upon the previous opinion and add several important points to the discussion, supporting the main position of the madhab. Later, Ibn Abidin summarizes and synthesizes the discussion among four *fiqh* schools, positing Ḥanafī main opinion *ẓāhir al-riwāya* alongside Ḥanbalī and Mālikī. However, there is the limited *ẓāhir al-riwāya* by al-Samarqandī from early sixth century AH, where he limits the ruling of moon sighting to places that share same horizon and excludes extremely far places. The aforementioned concept is highly similar with the dissenting opinion. Interestingly, al-Samarqandī is the only one consider it as *ẓāhir al-riwāya*. While al-Samarqandī is earlier than Qāḍī Khān, this might show the development in Ḥanafī school.

For dissenting opinion, al-Samarqandī also could be considered in the side of dissenting opinion and al-Samarqandī also cites al-Ṭaḥṭāwī where he states that the report [of moon sighting] from outside the *miṣr* should be considered. al-Ṭaḥṭāwī’s opinion is the only one in the school. In other hand, al-Zayla‘ī from early eighth century, is the most referred one as dissenting opinion or *al-ashbah*. the opinion states that different *maṭāli‘* means possibility to differ in ruling and no obligation for one place to follow other’s sighting if their *maṭāli‘* differ. al-Zayla‘ī adds several reasonings to discussion from hadith, astronomy, analogical reasoning, and previous fatwa. From those points, al-Zayla‘ī did not explain what is the precise

⁵⁷ I could not find what is *syarḥ sayyid*

⁵⁸ al-Ṭaḥṭāwī, *Hāshiyat Al-Ṭaḥṭāwī*, 1:656.

definition of different *al-maṭāli*‘, however from his analogical reasoning that compares with the differences of praying times. I could conclude that different *al-maṭāli*‘ is different praying times. Furthermore, in *al-Jawāhir*, the measurement for different *al-maṭāli*‘ is the distance of one month traveling and above.

For hadith Kurayb, both main and dissenting opinions discuss about it. According to the main opinion, hadith Kurayb’s interpretation is not reasoning against the main Ḥanafī opinion since Kurayb did not fulfill the criteria of testimony that needed therefore no obligation to make up the missed fast. However, according to dissenting opinion, hadith Kurayb is the reasoning for it since it shows that different *al-maṭāli*‘ has different rulings.

From the the discussion, I conclude that the Ḥanafī scholars use the term *miṣr*, *makān*, *mawḍi*‘, *quṭr*, and *balad* interchangeably. Then, for dissenting opinion, the deciding feature is the distance since difference in *al-maṭāli*‘, difference in praying times and one month traveling mean distance from one point to another. Moreover, Astronomy also considered as reasoning for dissenting opinion.

2.3 The Mālikī School

The main opinion in Mālikī school is similar to the Ḥanafī one. However, the statement that Mālikī scholars use is: the ruling regarding the start of Ramadan applies to everyone to whom it is reported [moon sighting], through valid method. Furthermore, some opinions in the school limit the main opinion and another have dissenting opinion. The name ‘Abd al-Malik⁵⁹ is mentioned several times as minor opinion that limit the main opinion by its method. In addition, there is consensus mentioned several times that limit by distance. Moreover, al-Qarāfī has dissenting opinion in the madhab. In Mālikī tradition, in this topic of *ikhtilāf al-maṭāli*‘, the term “*mashhūr*” refers to standard position of the madhhab.

In the following four subsections, I discuss the main opinion in the school in the first subsection. Then, I explain ‘Abd al-Malik’s limitation. Moreover, I

⁵⁹ He is Ibn al-Mājishūn (‘Abd al-Malik ibn ‘Abd al-‘Azīz, d. 213/828), student of Imam Mālik (a leading Medinese jurist and the eponym of the Mālikī school). See al-Dhahabī, *Siyar A‘lām al-Nubalā*‘, 10:359-360.

engage with the consensus that limits in the distance. Last, I examine al-Qarāfi's dissenting opinion.

2.3.1 The Ruling Applies to Everyone

The main opinion could be found in all Mālikī books that engage with the topic *ikhtilāf al-maṭāli*.⁶⁰ In fourth century AH, two Mālikī authors mention the main opinion in their books, Ibn al-Jallāb (d. 378/988) and al-Qayrawānī (d. 386/996). Both explains that if moon sighted in one *balad* or people of *balad* fast earlier than that of the other, when the report comes to them, they must follow it and make up the fast that they miss. Ibn al-Jallāb states

If the new crescent is clearly sighted in *balad*, or if it is confirmed by its people through valid testimony, and this is then transmitted from them to others through the testimony of two witnesses, they are obligated to fast and are not permitted to break their fast.⁶¹

al-Qayrawānī has similar statement but he adds the source where he mentions

From "*al-Majmū'ah*,"⁶¹ Ibn al-Qāsim and Ibn Wahb⁶² narrated from *Mālik* that he said: If the people of *balad* fasted and then report reached them that the people of another *balad* had fasted before them, then if this is confirmed and believed, they should make up the fast.⁶³

While Ibn al-Jallāb did not mention the source of the main opinion, al-Qayrawānī states that the standard position is from Ibn al-Qāsim and Ibn Wahb⁶⁴. Moreover, both also mention Ibn al-Mājiṣhūn or 'Abd al-Malik's exception that will be discussed in following subsection.

⁶⁰ 'Ubayd Allāh ibn al-Ḥusayn ibn al-Ḥasan Abū al-Qāsim Ibn al-Jallāb, *Al-Tafrī' Fī Fiqh al-Imām Mālik Ibn Anas*, 1st ed. (Dār al-Kutub al-'Ilmiyya, 2007), 1:171.

⁶¹ According to later scholar, the book *al-Majmū'ah* by Muḥammad ibn Ibrāhīm ibn 'Abdūs (d. 260 AH) however, I could not access it. See Muḥammad Ibrāhīm 'Alī, *Iṣṭilāḥ al-Madhhab 'inda al-Mālikiyyah*, 1st ed. (Dār al-Buḥūth lil-Dirāsāt al-Islāmiyya wa-Iḥyā' al-Turāth, 2000), 130–31.

⁶² 'Abd al-Raḥmān ibn al-Qāsim al-'Uṭaqī (d. 191/807) and 'Abd Allāh ibn Wahb ibn Muslim al-Fihri (d. 197/813) are main students of Imam Mālik. See al-Dhahabī, *Siyar A'lām al-Nubalā'*, 9:120-125, 223–34.

⁶³ Abū Muḥammad 'Abd Allāh ibn Abī Zayd 'Abd al-Raḥmān al-Nafzī al-Qayrawānī, *Al-Nawādir Wa-al-Ziyādāt 'alā Mā Fī al-Mudawwanah Min Ghayrihā Min al-Ummahāt*, 1st ed. (Dār al-Gharb al-Islāmī, 1999), 2:11–12.

The aforementioned main opinion is considered *al-Mashhūr* opinion by later Mālikī scholars, Ibn Bashīr al-Mahdawī (d. 536/1141), Bahrām al-Dimyirī (d. 804 /1401), al-Ḥaṭṭāb (d. 954/1547), ‘Illīsh (d. 1299/1881). According to ‘Illīsh, the term *al-Mashhūr* means the opinion that was said or chosen by many [the scholars]. These scholars mention *al-Mashhūr* as opposite of ‘Abd al-Malik’s exception.

From fifth century to modern period, the main opinion of Mālikī school is relatively unchanged where the later scholars engage with the topic, supporting the main opinion. Ibn ‘Abd al-Barr (d. 463/1070) has similar statement in main opinion while adding the term *madīnah* as option to *balad*.⁶⁵ Moreover, Ibn Rushd al-Ḥafīd (d. 595/1198) adds that main opinion is preferred by Ibn al-Qāsim, Egyptian Mālikī scholars, in addition to al-Shāfi‘ī and Aḥmad [founders of the schools].⁶⁶ Furthermore, al-Qurṭubī (d. 671/1272) refers to *Al-Majmū‘ah* and explains it by mentioning names of places as example.

If the people of Basra see the crescent of Ramadan, and then this reaches the people of Kūfa, Medina, and Yemen, then they are obligated to fast or make up for it if the performance is missed.⁶⁷

al-Qurṭubī also engages with hadith Kurayb where he mentions several opinions or interpretations of hadith. However, al-Qurṭubī only mentions other scholars’ opinions on hadith without stating his position and he mentions the hadith to explain the limiting consensus (explained in following subsection)⁶⁸ on distance rather than main opinion.

In eighth century AH, the most authoritative text (*matn*) in Mālikī school, *Mukhtaṣar Khalīl* was produced. In the topic of *ikhtilāf al-maṭāli‘*, the texts only write several words “And it [the ruling of moon sighting] is general [for all] if it is

⁶⁵ Abū ‘Umar Yūsuf ibn ‘Abd Allāh ibn Muḥammad ibn ‘Abd al-Barr ibn ‘Āsim al-Namarī Ibn ‘Abd al-Barr, *Al-Kāfi Fī Fiqh Ahl al-Madīnah*, 2nd ed. (Dār al-Gharb al-Islāmī, 1992), 120.

⁶⁶ Abū al-Walīd Muḥammad ibn Aḥmad ibn Muḥammad Ibn Rushd al-Ḥafīd, *Bidāyat Al-Mujtahid Wa-Nihāyat al-Muqtaṣid*, 1st ed. (Maktabat Ibn Taymiyya, 1995), 2:148.

⁶⁷ Abū ‘Abd Allāh al-Qurṭubī Muḥammad ibn Aḥmad al-Anṣārī, *Al-Jāmi‘ Li-Aḥkām al-Qur‘ān*, 1st ed. (Mu’assasat al-Risāla, 2006), 3:159.

⁶⁸ See subsection no. 2.3.2

reported by them [two methods] from them [two methods].”⁶⁹ The text means that if the new crescent is sighted and confirmed by two reliable testimonies or by public [many people see it], then the ruling applies to all people and places and if it is reported or transmitted by two aforementioned valid methods [two testimonies or public] from them to others, the ruling applies. In later centuries after *Mukhtaṣar Khalīl*, several commentaries and super commentaries on the text were written and the main opinion became more central and crucial in the school.

From several *Mukhtaṣar Khalīl*’s commentaries and super commentaries, one super commentary *Hāshiyat al-‘Adawī* by al-‘Adawī (d. 1189/1775) and one commentary *al-Sharḥ al-Kabīr* by al-Dardīr (d. 1201/1786) state the clear dominant opinion in the madhhab by negating the other opinions

The ruling regarding the obligation to fast applies to everyone who is transferred to it. It means to all *balads*, whether in near or far distance, without considering whether horizons are same or not, and the distance that allows for shortening prayers.

In addition, al-‘Adawī emphasizes that, in case of the new crescent is confirmed by the authority. There is no difference between general authority (like *khalīfah*) and limited authority. Then, al-‘Adawī clearly describes Mālikī main position in the topic as *lā ‘ibra bi-ikhtilāf al-maṭāli‘* (similar to Ḥanafī opinion). Moreover, al-‘Adawī does not mention the scholars or books that choose those opinions.

After al-‘Adawī and al-Dardīr, some Mālikī scholars still limit the ruling by distance, such as al-Ḍasūqī⁷⁰ (d. 1230/1814) and ‘Illīsh⁷¹ (d. 1299/1881). The main reasoning for them is the “limiting consensus” that I will explain in following separated subsection. Moreover, some other Mālikī scholars especially from

⁶⁹ Khalīl ibn Ishāq ibn Mūsā Khalīl ibn Ishāq Ḍiyā’ al-Dīn al-Jundī al-Mālikī al-Miṣrī, *Mukhtaṣar Khalīl* (Dār al-Ḥadīth, 2005), 61.

⁷⁰ Muḥammad ibn Aḥmad ibn ‘Arafah al-Ḍasūqī al-Mālikī al-Ḍasūqī, *Hāshiyat Al-Ḍasūqī ‘alā al-Sharḥ al-Kabīr* (Dār Iḥyā’ al-Kutub al-‘Arabiyya, n.d.), 1:510.

⁷¹ Muḥammad ibn Aḥmad ‘Illīsh, *Manḥ Al-Jalīl Sharḥ Mukhtaṣar Khalīl*, 1st ed. (Dār al-Fikr, 1984), 2:110.

modern period state that the ruling without distance limitation is the main opinion of the madhab, al-Shanqīṭī⁷² (d. 1434/2012) and al-Wā'ilī⁷³ (d. 1431/2009).

2.3.2 Ibn al-Mājiṣhūn's Limitation or Exception

After the main opinion, the most mentioned opinion is 'Abd al-Malik or Ibn al-Mājiṣhūn's exception. The discussion is how the new crescent is established. If it is established by public moon sighting or many people see the new crescent, then no disagreement in that case, the ruling applies to everyone. However, if it is established by the testimony or decision of the authority or ruler [some or few people see it and report to the authority, then the authority decides the testimony], then this point is Ibn al-Mājiṣhūn's disagreement with the main opinion. Both Ibn al-Mājiṣhūn and the main position agree that if the moon sighting is established by general authority *imām* or *khalīfah*, then the ruling applies to all people. However, in the case of the decision from limited authority *ḥākim* or *qāḍī* then, according to Ibn al-Mājiṣhūn, the ruling applies only to those under its authority. While the main opinion did not differentiate between general and limited authority. Furthermore, throughout history, Ibn al-Mājiṣhūn's opinion is relatively unchanged, however later Mālikī scholars use different words and terms, add some details, mention other scholars with same view, or synthesize it with main opinion.

In fourth and fifth century AH, three Mālikī scholars use different wordings when they engage with Ibn al-Mājiṣhūn. Ibn al-Jallāb (d. 378/988) states

in case testimony, the ruling only applies to people of *balad* where it is established. Except if the testimony is established by *al-imām*, then the ruling applies to all people.⁷⁴

al-Qayrawānī (d. 386/996) adds the name ['Abd al-Malik] Ibn Ḥabīb⁷⁵ into the chain of narrators after Ibn al-Mājiṣhūn. al-Qayrawānī writes

⁷² Aḥmad ibn Aḥmad al-Mukhtār al-Shanqīṭī, *Mawāhib Al-Jalīl Min Adillat Khalīl*, 2nd ed. (Idārat Ihya' al-Turāth al-Islāmī, 1983), 2:9.

⁷³ Muḥammad ibn Ḥammūd al-Wā'ilī, *Bughyat Al-Muqtaṣid Sharḥ Bidāyat al-Mujtahid*, 1st ed. (Dār Ibn Ḥazm, 2019), 7:73.

⁷⁴ Ibn al-Jallāb, *Al-Tafrīṭ*, 1:171.

⁷⁵ I assume that he is Ibn Ḥabīb, 'Abd al-Malik ibn Ḥabīb ibn Sulaymān al-Sulamī (d. 238/852). See al-Dhahabī, *Siyar A'lām al-Nubalā'*, 12:102-107.

Ibn Ḥabīb said: Ibn al-Māʾjishūn said: ... However, if they fasted based on testimony, ... [the ruling only applies to] the people of the *balad* where the moon sighting was established by their *qāḍī*, are obligated to make up the fast, along with those who are close to them in their *balad*. ... unless the general authority (*amīr al-mu'minīn*) writes to *balad* about the testimony or sighting he has received from those who did not see it, in which case they are obligated to make it up...⁷⁶

Ibn 'Abd al-Barr (d. 463/1070) add scholars of certain place that share same opinion where he explains

In case of testimony, ... [the fasting] is only required of the people of the *balad* where the testimony is established by their ruler's ruling (*ḥukm al-ḥākim*) upon them, unless the testimony has been established before the general authority (*al-imām al-a'ẓam*), in which case fasting is required of all people. This is the established view of the Mālikī Baghdadi scholars.⁷⁷

From previous three aforementioned statements, the authors use several terms for general and limited authority.

In sixth century AH, Ibn Bashīr al-Mahdawī (d. 536/1141) is the only author that consider Ibn al-Māʾjishūn's opinion as minor (*al-shādh*) one without mentioning the name of Ibn al-Māʾjishūn. Then, Ibn Bashīr refers to general authority as *al-khalīfah*.⁷⁸ Other Mālikī scholar, Ibn Rushd al-Ḥafīd (d. 595/1198) adds that the exception of limited authority is the opinion Medinan Mālikī scholars, al-Mugīrah,⁷⁹ and Ibn al-Māʾjishūn.⁸⁰

In seventh century AH, three Mālikī scholars, Ibn Shās (d. 616/1219) and al-Qurṭubī (d. 671/1272) adds the name al-Qāḍī Abū Ishāq to the chain of narrators

⁷⁶ al-Qayrawānī, *Al-Nawādir Wa al-Ziyādāt*, 2:11.

⁷⁷ Ibn 'Abd al-Barr, *Al-Kāfī*, 120.

⁷⁸ Abū al-Ṭāhir Ibrāhīm ibn 'Abd al-Ṣamad ibn Bashīr al-Tanūkhī al-Mahdawī Ibn Bashīr al-Mahdawī, *Al-Tanbīh 'alā Mabādi' al-Tawjīh - Qism al-'Ibādāt*, 1st ed. (Dār Ibn Ḥazm, 2007), 1:708–9.

⁷⁹ I assume he is al-Mughīrah ibn 'Abd al-Raḥmān al-Makhzūmī (d. 188/804). See Muḥammad Ibrāhīm 'Alī, *Iṣṭilāḥ al-Madhhab 'inda al-Mālikiyyah*, 95.

⁸⁰ Ibn Rushd al-Ḥafīd, *Bidāyat Al-Mujtahid*, 2:148.

after Ibn al-Mājiṣhūn and use the term *amīr al-mu'minīn* as general authority.⁸¹ Moreover, al-Qarāfī (d. 684/1285) mentions Ibn al-Mājiṣhūn's limitation by citing Ibn al-Jallāb's aforementioned writing.⁸²

After seventh century AH, the Ibn al-Mājiṣhūn's limitation becomes less mentioned in Mālikī books especially after the book *Mukhtaṣar Khalīl*. However, some Mālikī scholars still mention it by repeating the previous pattern, either add name to the chain or use different terms for general and limited authority. Ibn 'Arafah (d. 803/1401) adds the name al-Bājī to the chain after Ibn al-Mājiṣhūn.⁸³ Moreover, Bahrām al-Dimyirī (d. 804 /1401) mentions general authority as *al-imām al-ām*.⁸⁴ Furthermore, al-Ḥaṭṭāb (d. 954/1547) states the limited authority as *al-ḥākim al-khāṣ*.⁸⁵ In addition, 'Illīsh (d. 1299/1881) mentions general authority as *al-ḥākim al-ām* and limited authority as *al-ḥākim al-khāṣ*, and posits Ibn al-Mājiṣhūn's limitation as other opinion than the main (*al-mashhūr*) opinion in the madhab.⁸⁶

In sum, 'Abd al-Malik or Ibn al-Mājiṣhūn's exception engages with the topic when the moon sighting is established by limited authority. The ruling of new crescent only applies to those under its limited authority in contrast with the main opinion.

2.3.3 The Limiting Consensus

The consensus (*ijmā'*) in the topic limits the applicability of new crescent from those in extremely far distance. However, later Mālikī scholar al-Wā'ilī (d. 1431/2009) points out that this consensus is mistake by the author⁸⁷ Ibn Rushd al-

⁸¹ Jalāl al-Dīn Abū Muḥammad 'Abd Allāh ibn Najm ibn Shās al-Judhāmī al-Sa'dī al-Miṣrī Ibn Shās, *Iqd al-Jawāhir al-Thamīna Fī Madhhab 'Ālim al-Madīna*, 1st ed., vol. 1 (Dār al-Gharb al-Islāmī, 1995); al-Qurṭubī, *Al-Jāmi'*, 3:159.

⁸² Abū al-'Abbās Shihāb al-Dīn Aḥmad ibn Idrīs ibn 'Abd al-Raḥmān al-Mālikī al-shahīr bi-al-Qarāfī al-Qarāfī, *Al-Dhakhīrah*, 1st ed. (Dār al-Gharb al-Islāmī, 1994), 2:490.

⁸³ Muḥammad ibn Muḥammad Ibn 'Arafa al-Warghamī Ibn 'Arafa, *Al-Mukhtaṣar al-Fiqhī*, 1st ed. (Mu'assasat Khalaf Ahmad, 2014), 2:59.

⁸⁴ Bahrām ibn 'Abd Allāh ibn 'Abd al-'Azīz Bahrām al-Dimyirī Abū al-Baqā', Taj al-Dīn al-Sulamī al-Dimyirī al-Qāhirī, *Al-Shāmil Fī Fiqh al-Imām Mālik*, 1st ed., Al-Shāmil (Markaz Najībūyah, 2008), 1:196.

⁸⁵ Abū 'Abd Allāh Muḥammad b. Muḥammad b. 'Abd al-Raḥmān al-Ru'aynī al-Ḥaṭṭāb, *Mawāhib Al-Jalīl Sharḥ Mukhtaṣar Khalīl*, 1st ed., vol. 3, ed. Zakariyyā 'Umayrāt (Dār al-Kutub al-'Ilmiyya, 1995), 284.

⁸⁶ 'Illīsh, *Manḥ Al-Jalīl*, 2:111.

⁸⁷ al-Wā'ilī's work is commentary on Ibn Rushd al-Ḥafīd's Bidāyat al-Mujtahid

Ḥafīd (d. 595/1198) where the consensus is not general consensus but it is consensus in Mālikī school.⁸⁸ Other Mālikī scholars also narrated the consensus such as Ibn ‘Abd al-Barr (d. 463/1070) and al-Qurṭubī (d. 671/1272). In addition, according to al-Wā’ilī, most scholars cited it through Ibn ‘Abd al-Barr’s *al-Istidhkār* for the consensus.

According to my survey, the consensus is other opinion in Mālikī school rather than the consensus in it. There are several reasons for it. First, the consensus that limits extreme far distance only appears in fifth century AH later than main opinion and Ibn al-Mājjishūn’s exception. Second, the consensus is less mentioned than Ibn al-Mājjishūn’s exception.

The first book to mention the consensus is Ibn ‘Abd al-Barr’s *al-Istidhkār* where it states

Abū ‘Umar [Ibn ‘Abd al-Barr] said they have unanimously agreed (*ajma’ū*) that sighting of new moon is not considered in the *balads* that were left or late behind, such as Andalusia from Khorasan, and likewise every *balad* that has its own sighting, except for what is like a big *miṣr* and what are close to each other in the *balads* of the Muslims. And God knows best.⁸⁹

Here, Ibn ‘Abd al-Barr explains the limitation by example (Andalusia from Khorasan). However, Ibn Rushd al-Ḥafīd (d. 595/1198) mentions similar statement without referring to Ibn ‘Abd al-Barr “They agreed that this should not be considered for far *balads* such as al-Andalus and the Hejaz.”⁹⁰ In the statement, Ibn Rushd uses similar example (al-Andalus and the Hijaz) but different one.

Later, Ibn ‘Arafa (d. 803/1401) mentions the limiting consensus that is cited several times by later Mālikī scholars. Ibn ‘Arafa states

Abū ‘Umar: It was narrated by the Medinans, and al-Mugīrah and Ibn Dīnār said it, and they all agreed that the ruling

⁸⁸ al-Wā’ilī, *Bughyat Al-Muqtaṣid*, 7:3726.

⁸⁹ Abū ‘Umar Yūsuf ibn ‘Abd Allāh ibn Muḥammad ibn ‘Abd al-Barr ibn ‘Āṣim al-Namarī Ibn ‘Abd al-Barr, *Al-Istidhkār* (Dār al-Kutub al-‘Ilmiyya, n.d.), 3:283.

⁹⁰ Ibn Rushd al-Ḥafīd, *Bidāyat Al-Mujtahid*, 2:148.

regarding sightings from extreme far distance, such as Andalusia, does not apply to Khorasan.

Ibn ‘Arafa refers to Abū ‘Umar (Ibn Abd Barr) however he adds some figures such as Medinans, and Al-Mugīrah and Ibn Dīnār that support the limiting opinion. After Ibn ‘Arafa, al-Ḥaṭṭāb (d. 954/1547) cites directly to Ibn ‘Arafa from Abū ‘Umar with exact wordings.⁹¹ Moreover, al-Dasūqī (d. 1230/1814) also refers to the opinion by stating that the statement from Abū ‘Umar and supported by Ibn ‘Arafa but al-Dasūqī did not mention the opinion as consensus.⁹²

In modern period, ‘Illīsh (d. 1299/1881) and al-Wā’ilī (d. 1431/2009) engage with the opinion. ‘Illīsh (d. 1299/1881) still mentions “they agreed” where he refers to Ibn ‘Arafa with exact wordings and adds that no consideration for same or different *maṭla*.⁹³ For al-Wā’ilī, he points out that the consensus is narrated consensus in Mālikī school as mentioned in the beginning of this subsection.

2.3.4 al-Qarāfī Dissenting Opinion

al-Qarāfī (d. 684/1285) is the only one in Mālikī school to choose his dissenting opinion. al-Qarāfī mentions the Mālikī main opinion where he refers to Ibn al-Jallāb (d. 378/988) however, he uses the analogical reasoning and logic from astronomy (‘ilm al-hay’ah) to support dissenting opinion. according to al-Qarāfī, every *qawm* has its own time for praying and its obligation does not apply to the others therefore every *qawm* has its moon sighting ruling. In addition, he refers to natural phenomenon as reason where he states

Every *qawm* has its own dawn, its own midday, and other such times, and this applies to the new crescent because in eastern lands, when the new crescent moon is in the sunshine and the sun continues to move with the moon towards the west, the sun does not reach the western horizon until the crescent moon has already emerged [separated] from the sunshine, so the people of the west see it, but the people of the east did not. This is one of the reasons for the difference in sighting the crescent moon,

⁹¹ al-Ḥaṭṭāb, *Mawāhib Al-Jalīl*, 3:284.

⁹² al-Dasūqī, *Ḥāshiyat Al-Dasūqī*, 1:510.

⁹³ ‘Illīsh, *Manḥ Al-Jalīl*, 2:112.

and there are other reasons for it mentioned in the science of astronomy (*'ilm al-hay'ah*).

However, al-Qarāfī Dissenting Opinion is not referred and cited by later Mālikī scholars and remains the only one in the school.

In sum, there are four opinions in Mālikī schools: the main opinion, Ibn al-Mājjishūn's exception, the limiting consensus, and al-Qarāfī dissenting opinion. First the main opinion is similar to Ḥanafī main opinion where it states that if the new moon sighting is established by valid method, then it is transmitted to others by valid transmission, the ruling applies to everyone and every place without limitation and exception. However, the opinion from Ibn al-Mājjishūn limits it, if the moon sighting was established by limited authority (not by general authority or public moon sighting), then the ruling only applies to those under its authority and does not to those outside it. Moreover, the narrated consensus by Ibn Abd al-Barr limits it by distance using example "Andalusia to Khorasan". Lastly, al-Qarāfī argues that every *qawm* has its own moon sighting using analogical reasoning and astronomy to support his dissenting opinion.

In the school, Mālikī scholars rarely engage with hadith Kurayb. Only Ibn Rushd al-Ḥafīd (d. 595/1198), al-Qurṭubī (d. 671/1272), and al-Qarāfī (d. 684/1285) mention hadith Kurayb in their works. Ibn Rushd al-Ḥafīd mentions the hadith as reference for the opinion, every *balad* has its own moon sighting near or far. Furthermore, al-Qurṭubī refers to hadith to support Mālikī opinions where the far bilād has different ruling according to Abū 'Umar and the ruling does not universally apply if the general authority (*al-imām al-a'ẓam*) did not oblige people to do. Moreover, al-Qarāfī engages with the hadith to criticize the main opinion of the madhab and support his dissenting opinion where he states that *al-mashhūr* sees the hadith as prioritizing certainty over doubt since the condition of the sky. Then, al-Qarāfī also adds that according to *al-mashhūr*, there is no difference because of sky condition thus the [interpretation of] hadith is problematic.

From the the discussion, I conclude that the Mālikī scholars use the term *miṣr*, *madīna*, *mawḍi'*, *quṭr*, and *balad* interchangeably. For dissenting opinions, the

deciding points are the distance, astronomy, how it is established, type of authority, and difference in praying times.

2.4 The Ḥanbalī School

In Ḥanbalī school, the main opinion is similar to the Ḥanafī and Mālikī ones with different wordings. While Ḥanbalī school is famous for narrating several opinions simultaneously.⁹⁴ However, in the topic of *ikhtilāf al-maṭāli* ‘, the dominant and main opinion is clear where it states if the new crescent is sighted, the ruling applies to all people. Then, the dissenting opinion exists with Ibn Taymiyyah (d. 728/1327) as the main reference who gives consideration to difference on *maṭla* ‘. Moreover, Ibn Taymiyyah mentions several opinions in his works on the topic. In addition, the other minor opinion choose distance of shortening prayer (*masāfat al-qaṣr*) as measurement for different opinion.

I divide this section into three subsections. The first is the main opinion in Ḥanbalī school. The second explains Ibn Taymiyyah’s opinions. Third discusses the opinion on distance for shortening prayer.

2.4.1 New Crescent for All

The main opinion in Ḥanbalī school is clear and simple when the new crescent is sighted, the ruling applies to everyone and every place. The Ḥanbalī scholars repeated the idea for centuries by stating similar wordings.

In Ḥanbalī school, the discussion on *Ikhtilāf al-maṭāli* ‘ starts in sixth century AH. Abū al-Khaṭṭāb al-Kalwadhānī (d. 510/1116) and Abū al-Wafā’ ibn ‘Aqīl (d. 513/1119) have same opinion with similar statement in their books. In al-Kalwadhānī’s *al-Hidāya*, he writes “If the people of *balad* see the new moon, then fasting becomes obligatory upon all *balads*.”⁹⁵ Similarly, in Abū al-Wafā’ ibn ‘Aqīl’s *al-Tadhkirah*, he states “If the people of one *balad* see it (the new moon) while the people of another *balad* do not see it, then those who did not see it are

⁹⁴ al-Zuhaylī, *Al-Fiqh al-Islāmī Wa-Adillatuhu*, 1:81.

⁹⁵ Abū al-Khaṭṭāb al-Kalwadhānī Al-Kalwadhānī, *Al-Hidāyah ‘alā Madhhab al-Imām Aḥmad*, 1st ed. (Ghrās, 2004), 154.

bound by the ruling of those who did see it.”⁹⁶ Both agree that once the new moon is sighted, all people should fast.

In 7th century AH, Ibn Qudāmah al-Maqdisī (d. 620/1223) writes several works on Ḥanbalī *fiqh* that become the foundation of the madhhab. In his three works, Ibn Qudāmah clearly states his opinion that when the new crescent is sighted by the people of *balad*, the obligation of fasting is for all of the people and all of *balads* or *bilād*.⁹⁷ In his book *al-Kāfi*, he adds the reasoning “Because that day is confirmed to be from Ramadan, and fasting it is obligatory by text (naṣṣ) and consensus (ijmā’).”⁹⁸ Moreover, the previous statement (quotation) later will be followed by al-Buhūtī (d. 1051/1641), al-Ruḥaybānī (d. 1243/1827) and Ibn ‘Abd al-Wahhāb (d. 1206/1791). In Ibn Qudāmah’s other book, *al-Mughnī*, he refers the main opinion as the opinion of al-Layth and some Shāfi‘ī scholars. Ibn Qudāmah also engages with hadith Kurayb where he mentions the opinion “every *balad* has its sighting” and its reasoning is the hadith. Then, he adds that our [Ḥanbalī main] opinion is based on the Quranic verse “So any one of you who is present that month should fast,” (Quran Chapter 2, Verse 185) and two prophetic tradition that explain that the obligation to fast in Ramadan month. Thus, Ibn Qudāmah concludes

Fasting is obligatory, just as if the [*balads* or] *buldān* were close. As for the Hadith of Kurayb, it only indicates that they do not break [or end the Ramadan] their fast based solely on Kurayb’s statement, and we agree with that. The point of disagreement is the obligation to make up the first day, and this is not mentioned in the hadith.⁹⁹

Ibn Qudāmah clearly shows that he chooses the main position of Ḥanbalī school on the topic. He also adds the texts and reasoning to support the position.

⁹⁶ Abū al-Wafā’ ‘Alī ibn ‘Aqīl ibn Muḥammad ibn ‘Aqīl al-Baghdādī al-Ḥanbalī Ibn ‘Aqīl, *Al-Tadhkirah Fī al-Fiqh*, 1st ed. (Dār Ishbīliyyā, 2001), 92.

⁹⁷ Muwaffaq al-Dīn Abū Muḥammad ‘Abd Allāh ibn Aḥmad ibn Muḥammad ibn Qudāmah al-Maqdisī Ibn Qudāmah al-Maqdisī, *Al-Muqni’ Fī Fiqh al-Imām Aḥmad Ibn Ḥanbal*, 1st ed. (Maktabat al-Suwādī, 2000), 101.

⁹⁸ Muwaffaq al-Dīn Abū Muḥammad ‘Abd Allāh ibn Aḥmad ibn Muḥammad ibn Qudāmah al-Maqdisī Ibn Qudāmah al-Maqdisī, *Al-Kāfi Fī Fiqh al-Imām Aḥmad*, 1st ed. (Dār al-Kutub al-‘Ilmiyya, 1994), 1:437.

⁹⁹ Muwaffaq al-Dīn Abū Muḥammad ‘Abd Allāh ibn Aḥmad ibn Muḥammad ibn Qudāmah al-Maqdisī Ibn Qudāmah al-Maqdisī, *Al-Mughnī*, 3rd ed. (Dār ‘Ālam al-Kutub, 1997), 4:328–29.

Moreover, he also discusses about hadith Kurayb where it is used to support other school opinion.

After Ibn Qudāmah al-Maqdisī, in 7th century AH, Ḥanbalī scholars remain refers to main opinion. Ibn Taymiyyah al-Jadd (d. 652/1255) writes “the sight of some [*balads* or] *al-bilād* is the sight all of them.”¹⁰⁰ Which means the main opinion in the madhab. Moreover, Ibn Abī ‘Umar al-Maqdisī (d. 682/1283) writes the book *al-Sharḥ al-Kabīr* which is commentary of ibn Qudāmah’s *al-Muqni*. However, ibn Abī ‘Umar al-Maqdisī explains the topic in very identical way with ibn Qudāmah’s in *al-Mughnī*.¹⁰¹

In eighth and ninth century AH, Ḥanbalī scholars mention several opinions in the school however the dominant aforementioned opinion remains. Three Ḥanbalī scholars, Ibn Mufliḥ (d. 763/1361), Burhān al-Dīn ibn Mufliḥ (d. 884/1479), and al-Mardāwī (d. 885/1480), state that the main opinion of the school is moon sighting in one *balad* applies to others and all of them emphasize the ruling applies to near and far distance even if *al-maṭāli* differ. Ibn Mufliḥ (d. 763/1361) adds the reasoning for the main opinion where the opposite opinion states that every *balad* has its own ruling because it has its own moon/sun-set and moon/sun-rise and there is difficulty (*mashaqqa*) to repeat rituals if one follow others rulings. However, Ibn Mufliḥ refers to al-Qāḍī’s¹⁰² answer that new crescent [of Ramadan] is once a year hence the making up is not very difficult.¹⁰³ Here, Ibn Mufliḥ use the practicability to support the main argument, according to this opinion, it has kind of difficulty to make up the fast but it is still doable. Later, Ibn Mufliḥ’s statement on the doable difficulty is followed by al-Buhūtī (d. 1051/1641) and al-Ruḥaybānī (d. 1243/1827).

¹⁰⁰ ‘Abd al-Salām ibn ‘Abd Allāh ibn al-Khaḍr ibn Muḥammad Ibn Taymiyya al-Jadd Ibn Taymiyya al-Ḥarrānī, Abū al-Barakāt, Majd al-Dīn, *Al-Muḥarrar Fī al-Fiqh ‘alā Madhhab Aḥmad — Wa-Ma’ahu al-Nukat Wa-al-Fawā'id al-Saniyya* (Dār al-Kitāb al-‘Arabī, n.d.), 1:228.

¹⁰¹ Shams al-Dīn Abū al-Faraj ‘Abd al-Raḥmān ibn Abī ‘Umar Muḥammad ibn Aḥmad ibn Qudāmah al-Maqdisī Ibn Abī ‘Umar al-Maqdisī and ‘Alā’ al-Dīn Abū al-Ḥasan ‘Alī ibn Sulaymān al-Mardāwī Al-Mardāwī, *Al-Muqni’ Wa al-Sharḥ al-Kabīr Wa al-Inṣāf*, 1st ed., vol. 7, ed. ‘Abd Allāh ibn ‘Abd al-Muḥsin al-Turkī al-Turkī (Cairo, 1995), 335.

¹⁰² al-Qāḍī refers to Abū Ya‘lā Muḥammad ibn al-Ḥusayn ibn al-Farrā’ (d. 458/1066). See al-Zuhaylī, *Al-Fiqh al-Islāmī Wa-Adillatuhu*, 1:83.

¹⁰³ Shams al-Dīn Muḥammad ibn Mufliḥ al-Maqdisī Ibn Mufliḥ, *Al-Furū’ Wa-Taṣḥīḥ al-Furū’*, 1st ed. (Mu’assasat al-Risāla, 2003), 4:414.

Furthermore, Burhān al-Dīn ibn Muflīḥ (d. 884/1479) engages with hadith Kurayb in very similar way with Ibn Qudāmah al-Maqdisī (d. 620/1223) where he states hadith Kurayb means that they did not [end the Ramadan] break by the report of Kurayb and the point of debate is the obligation to make up the first day and the hadith did not mention it.¹⁰⁴

In tenth and eleventh century AH, some authoritative Ḥanbalī texts, *matns*, abridgements, commentaries, auto-commentaries were written in this period. They are the works of al-Ḥajjāwī (d. 968/1560), Ibn al-Najjār (d. 972/1564), al-Karmī (d. 1033/1623), al-Buhūtī (d. 1051/1641) which later generation had other works on them.¹⁰⁵ All of them have similar statement on the topic where they mention if moon sighting is confirmed in *balad* or people of *balad* see it, then all people should fast. al-Ḥajjāwī uses the term *makān*¹⁰⁶ in one of his works where most of Ḥanbalī scholars use term *balad* and its derivations. Moreover, Ibn al-Najjār wrote texts (matns) and in his auto-commentary he adds the reasoning for the main opinion which is the hadith¹⁰⁷

His [prophet] statement, "Fast when you see it [*ṣūmū li-ru'yatih*]" is addressed to the entire umma. Even if we assume the address is only to those who saw it, the purpose is still achieved.

Ibn al-Najjār is the earliest in Ḥanbalī school to refer to hadith *ṣūmū li-ru'yatih* as reasoning for the main opinion. Later, it will be followed by al-Buhūtī (d. 1051/1641) and al-Ruḥaybānī (d. 1243/1827).

¹⁰⁴ Ibrāhīm ibn Muḥammad ibn 'Abd Allāh ibn Muḥammad Ibn Muflīḥ Burhān al-Dīn Ibn Muflīḥ Abū Ishāq, Burhān al-Dīn, *Al-Mubdi' Fī Sharḥ al-Muqni'* (Dār 'Ālam al-Kutub, 2003), 2:409.

¹⁰⁵ Maṣṣūr ibn Yūnus al-Buhūtī al-Ḥanbalī Al-Buhūtī, *Sharḥ Muntahā Al-Irādāt Daqā'iq Ūlī al-Nuhā*, 1st ed., vol. 2 (Mu'assasat al-Risāla, 2000); Maṣṣūr ibn Yūnus al-Buhūtī al-Ḥanbalī Al-Buhūtī, *Kashshāf Al-Qinā' 'an Matn al-Iqnā'*, 1st ed., vol. 5 (Wizārat al-'Adl, 2003); Maṣṣūr ibn Yūnus al-Buhūtī al-Ḥanbalī Al-Buhūtī, *Al-Rawḍ al-Murbi' Sharḥ Zād al-Mustaqni'*, 3rd ed. (Dār Ibn al-Jawzī, 2023); Abū al-Najā Sharaf al-Dīn Mūsā al-Ḥajjāwī al-Maqdisī Al-Ḥajjāwī, *Fī Fiqh al-Imām Aḥmad Ibn Ḥanbal*, vol. 1 (Dār al-Ma'rifa, n.d.); Abū al-Najā Sharaf al-Dīn Mūsā al-Ḥajjāwī al-Maqdisī Al-Ḥajjāwī, *Zād Al-Mustaqni' Fī Ikhtisār al-Muqni'* (Madār al-Waṭan, n.d.); Taqī al-Dīn Muḥammad ibn Aḥmad al-Futūḥī Ibn al-Najjār, *Muntahā Al-Irādāt Fī Jam' al-Muqni' Ma'a al-Tanqīh Wa-al-Ziyādāt Ma'a Ḥāshiyat al-Muntahā Li-Ibn Qā'id*, 1st ed., vol. 2 (Mu'assasat al-Risāla, 1999); Taqī al-Dīn Muḥammad ibn Aḥmad al-Futūḥī Ibn al-Najjār, *Ma'ūnat Ūlī Al-Nuhā Sharḥ Muntahā al-Irādāt Li-Ibn al-Najjār*, 5th ed., vol. 3 (Maktabat al-Asadī, 2008).

¹⁰⁶ Al-Ḥajjāwī, *Al-Iqnā'*, 1:303.

¹⁰⁷ Ibn al-Najjār, *Muntahā Al-Irādāt*, 2:6; Ibn al-Najjār, *Ma'ūnat Ūlī Al-Nuhā*, 3:367.

After eleventh AH, Ḥanbalī scholars such as Ibn ‘Abd al-Wahhāb (d. 1206/1791) and al-Ruḥaybānī (d. 1243/1827) follow the previous Ḥanbalī main opinions with similar statements as mentioned in previous paragraph. Ibn ‘Abd al-Wahhāb’s explanation¹⁰⁸ on *ikhtilāf al-maṭāli‘* is similar to what written in Ibn Qudāmāh’s (d. 620/1223) *al-Mughnī* while al-Ruḥaybānī follow previous Ḥanbalī scholars’ statements¹⁰⁹ such as Ibn Muflīḥ (d. 763/1361) and Ibn al-Najjār (d. 972/1564). However, some Ḥanbalī scholars in modern period choose other opinion from aforementioned main opinion. It will be examined in the following subsection.

2.4.2 Ibn Taymiyyah’s Opinions

Before Ibn Taymiyyah (d. 728/1327), Ibn Qudāmāh’s (d. 620/1223) *al-Mughnī* states several opinions from previous scholars [from four Sunni schools]. However, Ibn Qudāmāh explicitly writes the term “*lānā*” which means “our” [main opinion] is when the new crescent sighted in one *balad*, it applies to all people and places. On the other hand, Ibn Taymiyyah has several opinions on the topic of *ikhtilāf al-maṭāli‘* in several works. one of his opinions is influential and referred several times until the modern period. Throughout my survey, there are three opinions of Ibn Taymiyyah on the topic. The first opinion is considering different horizons. the second is his detailed opinion. The third is similar or same to main opinion of Ḥanbalī school.

The most cited Ibn Taymiyyah’s (d. 728/1327) opinion is considering different horizons. The earliest Ḥanbalī scholars that mentioned this opinion and mentions the name Ibn Taymiyyah, are Ibn Muflīḥ (d. 763/1361) and al-Ba‘lī (d. 803/1401)

The horizons [of moon sighting] differ according to the agreement of the experts [*ahl al-ma‘rifah*] in this field. If they share [the horizon], then fasting becomes obligatory for them; otherwise, it does not. This is the dominant opinion (*al-aṣaḥḥ*)

¹⁰⁸ Muḥammad ibn ‘Abd al-Wahhāb ibn Sulaymān al-Tamīmī al-Najdī Muḥammad ibn ‘Abd al-Wahhāb, *Mukhtaṣar Al-Inṣāf Wa-al-Sharḥ al-Kabīr* (Riyadh, n.d.), 254.

¹⁰⁹ Muṣṭafā ibn Sa‘d ibn ‘Abduh al-Suyūṭī shuhrah Al-Ruḥaybānī al-Ruḥaybānī, *Maṭālib Ūlī Al-Nuhā Fī Sharḥ Ghāyat al-Muntahā*, 2nd ed. (al-Maktab al-Islāmī, 1994), 2:172.

in the Shāfi'ī school [and it is one opinion the madhhab of Aḥmad ibn Ḥanbal (only in Ibn Muflīḥ's work)].¹¹⁰

The previous statement also could be found in the work *al-Fatāwā al-Kubrā li-Ibn Taymiyyah*. However, the chapter [or *kitāb*] is called *kitāb al-Ikhtiyārāt al-ʿIlmiyyah* and the author is al-Baʿlī. Therefore, I conclude what written in *al-Fatāwā al-Kubrā* is the work of al-Baʿlī (d. 803/1401). Furthermore, what difference from Ibn Muflīḥ (d. 763/1361) and al-Baʿlī (d. 803/1401) is that Ibn Muflīḥ states the main Ḥanbalī opinion with reasonings and then writes the Ibn Taymiyyah's considering different horizons as dissenting one while al-Baʿlī only mentioned the aforementioned (citation) statement without mentioning the main opinion. Moreover, Ibn Muflīḥ's (d. 763/1361) method to mention main Ḥanbalī opinion then states Ibn Taymiyyah's considering different horizons, is followed by Ḥanbalī later scholars, Burhān al-Dīn Ibn Muflīḥ (d. 884/1479), al-Mardāwī (d. 885/1480), Fayṣal ibn ʿAbd al-ʿAzīz (d. 1376/1956) and all mention that the main opinion is the preferred one.¹¹¹

As mentioned in previous subsection, some modern Ḥanbalī scholars choose the dissenting opinion as the preferred opinion. One of them is the prominent Saudi scholar Ibn al-ʿUthaymīn (d. 1421/2000) who is one of the most prolific Muslim authors in the modern world. There are several works that mentioned Ibn al-ʿUthaymīn's opinion on *ikhtilāf al-maṭālīʿ* and the most relevant one to be mentioned in this chapter is his *al-Sharḥ al-Mumtiʿ* which is commentary on al-Ḥajjāwī's (d. 968/1560) *Zād al-Mustaqniʿ*. As mentioned in previous subsection, al-Ḥajjāwī in his works refers to Ḥanbalī main opinion as preferred one. However, Ibn al-ʿUthaymīn, despite following previous Ḥanbalī scholars (in mentioning the main opinion then Ibn Taymiyyah's considering different horizons), refers the

¹¹⁰ Ibn Muflīḥ, *Al-Furūʿ*, 4:414; ʿAlāʾ al-Dīn al-Ḥāfiẓ Abū al-Ḥasan ʿAlī ibn Muḥammad ibn ʿAlī ibn ʿAbbās ibn Shaybān al-Baʿlī, *Al-Akḥbār al-ʿIlmiyyah Min al-Ikhtiyārāt al-Fiqhiyyah Li-Shaykh al-Islām Ibn Taymiyyah*, 1st ed. (Dār Ibn al-Jawzī, 2016), 1:158; Abū al-ʿAbbās Taqī al-Dīn Aḥmad ibn ʿAbd al-Ḥalīm ibn ʿAbd al-Salām Ibn Taymiyyah, *Al-Fatāwā al-Kubrā Li-Ibn Taymiyyah*, 1st ed. (Dār al-Kutub al-ʿIlmiyya, 1987), 5:375.

¹¹¹ Burhān al-Dīn Ibn Muflīḥ, *Al-Mubdiʿ*, 2:409; Ibn Abī ʿUmar al-Maqdisī and Al-Mardāwī, *Al-Muqniʿ Wa al-Sharḥ al-Kabīr Wa al-Inṣāf*, 7:335–36; Fayṣal ibn ʿAbd al-ʿAzīz ibn Fayṣal Ibn Ḥamd al-Mubārak al-Ḥarīmālī al-Najdī Ibn Ḥamd al-Mubārak, *Bustān Al-Akḥbār Mukhtaṣar Nayl al-Awṭār*, 1st ed. (Dār Ishbīliyyā, 1997), 1:579.

second opinion as the preferred (*rājiḥ*) one.¹¹² Ibn al-‘Uthaymīn’s opinion later is followed by ‘Abd Allāh al-Ṭayyār (b. 1954/1373).¹¹³

Next, the second opinion which is Ibn Taymiyyah’s detailed opinion. The reason I call “detailed opinion” is how long is the opinion. The first and third opinion are only several sentences while this detailed opinion takes several pages. The opinion could be found in *Majmū‘ al-Fatāwā*.¹¹⁴ The detailed opinion emphasizes the consensus reported by Ibn ‘Abd al-Barr (d. 463/1070) that previously mentioned in Mālikī section.

Ibn Abd al-Barr narrated the consensus that the difference is in matters where the moon sighting can be seen by some places. As for places like Andalusia and Khorasan, there is no disagreement that they are not considered.

Then Ibn Taymiyyah answers the question: what is the distance limit [for that]? With mentioning the previous other school opinions which is some Shāfi‘ī scholars’ opinion that state the limit is either shortening prayer distance or *iqḷīm* and Ibn Taymiyyah considers the opinions as unpreferred for two reasons.

Both of these are weak (*dha‘īf*), because the distance of shortening prayers is not related to the new moon. As for the *iqḷīms*, what defined that [limit or border]? Moreover, both of these are wrong for two reasons.

The first reason is scientific astronomical reasoning. According to Ibn Taymiyyah, the moon sighting differs according to the direction of east and west, whenever it is seen in the east, it must be seen in the west, and the opposite case is not true. Therefore, he states

¹¹² Muḥammad ibn Ṣāliḥ al-‘Uthaymīn Ibn ‘Uthaymīn, *Al-Sharḥ al-Mumti‘ ‘alā Zād al-Mustaqni‘*, 1st ed. (Dār Ibn al-Jawzī, 2003), 6:308–11.

¹¹³ ‘Abd Allāh ibn Muḥammad ibn Aḥmad al-Ṭayyār ‘Abd Allāh Al-Ṭayyār, *Wabl Al-Ghamāmah Fī Sharḥ ‘Umdat al-Fiqh Li-Ibn Qudāmah*, 1st ed. (Madār al-Waṭan, 2008), 2:139–42.

¹¹⁴ Abū al-‘Abbās Taqī al-Dīn Aḥmad ibn ‘Abd al-Ḥalīm ibn ‘Abd al-Salām Ibn Taymiyyah, *Majmū‘ Al-Fatāwā*, 1st ed. (Majma‘ al-Malik Fahd, 2004), 25:103–12.

Whoever considers only the distance limit between residential areas (*al-masākīn*) is not adhered to any revealed legal (*sharʿ*) and sensory basis.

The second reason why the aforementioned opinions are weak, is the confusion for the people at the distance limit. Ibn Taymiyyah writes

If we consider a limit, such as the distance for shortening prayers or *iqḷīm*, and a man who is at the end of that distance or *iqḷīm*, then he must fast, break his fast, and perform the rituals, while another man is an arrow's throw (*galwat al-sahm*) away from him and does none of that. This is not in accordance with the religion of the Muslims.

The previous statement is unique to Ibn Taymiyyah especially if considering the previous way to measure. It is really relevant in case modern nation-state where the cartography technology is advanced to divide national border until the level of arrow's throw distance. However, the detailed analysis on modern state will be discussed on Chapter Four. Here, after Ibn Taymiyyah criticizes other opinions, He explains the opinion which is different from main Ḥanbalī opinion. Ibn Taymiyyah refers to hadith “Your fasting is on the day you [plural]fast... [*ṣawmukum yawma taṣūmūn...*]”¹¹⁵ as evidence for moon sighting applies to near and far distance. Until this point, Ibn Taymiyyah opinion is similar to main Ḥanbalī opinion. After that, Ibn Taymiyyah answers the question regarding making up the missed up fasting especially if the report of moon sighting from other place just arrives one day after the moon sighting. Ibn Taymiyyah states

But if the crescent moon is sighted in a place (*makān*) where the report of it cannot reach them until after the first day has passed, then they are not obligated to make up the fast, because the people's fast is the day they fast, and they cannot fast except on the day on which they can see the crescent moon, and this day they could not reach it, so it was not their day of fasting. The same applies to Eid al-Fitr and Hajj rituals.

¹¹⁵ For similar hadith see Abū Bakr ʿAbd al-Razzāq ibn Hammām al-Ṣanʿānī ʿAbd al-Razzāq, *Al-Muṣannaf*, 2nd ed. (Dār al-Taʾīl, 2013), 3:144, hadith number 2180.

According to Ibn Taymiyyah, the obligation of making up the missed fast is only for those who in the place that the report of moon sighting could be transferred or arrived on the first day. Therefore, the point is the possibility of transferring the report on first day and it is still distance-related. Here, I see Ibn Taymiyyah's detailed opinion is relevant for modern period since the communication technology allows people to exchange messages in few seconds for global level. However, I did not find any later scholars after Ibn Taymiyyah's (d. 728/1327) who cites, refers, or engages with Ibn Taymiyyah's detailed opinion except two scholars, Aḥmad ibn Nāṣir al-Ṭayyār (alive) and Ibn al-ʿUthaymīn (d. 1421/2000). When I first encounter Ibn Taymiyyah's several opinions on the topic, I hesitate about the editorship of the books however, Aḥmad ibn Nāṣir al-Ṭayyār's *Taqrīb Fatāwā Ibn Taymiyyah* states it clearly that what is written [in *Majmūʿ al-Fatāwā*] contradicts the previously mentioned Ibn Taymiyyah's considering different horizons in later Ḥanbalī scholars such as al-Baʿlī (d. 803/1401) and al-Mardāwī (d. 885/1480) in their works.¹¹⁶ For Ibn al-ʿUthaymīn, he mentions this detailed opinion without mentioning Ibn Taymiyyah's name while he states Ibn Taymiyyah's considering different horizons with the name. Ibn al-ʿUthaymīn writes

The fourth view is that the ruling regarding the sighting of the new moon applies to everyone who could receive the report that night. This is similar to the current view [situation], as the report can reach all parts of the world in less than a night. However, it differs from the current view [situation] in cases where communication technology is unavailable.¹¹⁷

Recall that Ibn al-ʿUthaymīn refers the Ibn Taymiyyah's considering different horizons as the preferred one, diverging from main Ḥanbalī opinion.

Next, the third opinion of Ibn Taymiyyah is the main opinion of Ḥanbalī school that could be found in *Sharḥ al-ʿUmdah*. It is stated that

If the new moon is sighted in one *balad*, then fasting is obligatory in all other *buldān*, even if they did not sight it. Our

¹¹⁶ Aḥmad ibn Nāṣir al-Ṭayyār Aḥmad Al-Ṭayyār, *Taqrīb Fatāwā Wa-Rasāʾil Shaykh al-Islām Ibn Taymiyya*, 1st ed. (Madār al-Waṭan, 2020), 3:539 in the footnote; Aḥmad Al-Ṭayyār, *Taqrīb Fatāwā*, 5:453.

¹¹⁷ Ibn ʿUthaymīn, *Al-Sharḥ al-Mumtīʿ*, 6:311–12.

scholars (Aṣḥābunā) said: This applies whether the two *balads* are in close distance and the sighting of the new moon does not differ, or far away and differ.¹¹⁸

The previous aforementioned opinion is the opinion most Ḥanbalī scholars and none of later Ḥanbalī scholars refer to Ibn Taymiyyah for main Ḥanbalī opinion. However, it is puzzling to answer why Ibn Taymiyyah has several opinions on *Ikhtilāf al-maṭāli*‘ and why later scholars especially Ḥanbalīs refer to only one of Ibn Taymiyyah’s opinion and not all of the three. To answer these questions, we must consider the length of the opinions. As showed in previous paragraphs, the longest opinion is the detailed (second) opinion hence the Ibn Taymiyyah’s “real” opinion is the detailed opinion where the first (considering different horizons) and the third (main Ḥanbalī) opinions are narrated from previous scholars. Moreover, the absence Ibn Taymiyyah’s of the second and third opinions from most Ḥanbalī scholars’ books could be explained by observing the broader debate of *ikhtilāf al-maṭāli*‘. The major opinion of four Sunni school is also the main Ḥanbalī opinion therefore no need to mention Ibn Taymiyyah third opinion as it is already mentioned centuries before him. For the detailed opinion, it is complex and the only one opinion in four Sunni school that put limiting point on the possibility to transfer report of moon sighting in first day for making up missed fast hence the later Ḥanbalī scholars put more focus on the first opinion of Ibn Taymiyyah as it represents minor view in Ḥanbalī school, engaging with broader debate in four Sunni schools. Furthermore, in the following subsection, I will examine the opinion of distance of shortening prayer in Ḥanbalī school.

2.4.3 Distance of Shortening Prayer

Recall that Ibn Taymiyyah (d. 728/1327) criticizes the opinion of distance of shortening prayer (*masāfah al-qaṣr*) and refers it as opinions of some Shāfi‘ī scholars.¹¹⁹ It is true that the aforementioned opinion is known from Shāfi‘ī school however interestingly the opinion also comes from Ḥanbalī school and before Ibn Taymiyyah period. The opinion is referred as opinion of *Ṣāhib al-Ri‘āyah*, in *al-*

¹¹⁸ Abū al-‘Abbās Taqī al-Dīn Aḥmad ibn ‘Abd al-Ḥalīm ibn ‘Abd al-Salām Ibn Taymiyyah, *Sharḥ Al-Umdah*, 3rd ed., vol. 3, ed. ‘Alī ibn Muḥammad al-‘Umrān (Dār ‘Aṭā’āt al-‘Ilm ; Dār Ibn Ḥazm, 2019), 132.

¹¹⁹ See fn 128

Ri'āyah, and *al-Ri'āyah al-Kubrā*. The reason why I mention previous terms rather than the name of the author, is because I cannot find primary resource of aforementioned *al-Ri'āyah* or *al-Ri'āyah al-Kubrā*. It only could be found in later Ḥanbalī works that cite the opinion and it only could be found in three Ḥanbalī scholars works from eighth and ninth AH. All the three authors follow the similar template where they first mention the main Ḥanbalī opinion then Ibn Taymiyyah's considering different horizons and later the opinion distance of shortening prayer.

The first source is in the book written by Ibn Muflīḥ (d. 763/1361), after mentioning main Ḥanbalī opinion and Ibn Taymiyyah's considering different horizons, he states “and *Ṣāḥib al-Ri'āyah* defines the far distance as shortening of the prayer distance, then fasting is not required [if the new moon us not sighted].”¹²⁰ Then, Burhān al-Dīn ibn Muflīḥ (d. 884/1479) states similar and shorter citation that [the author] in *al-Ri'āyah* explain that far distance is shortening prayer distance.¹²¹ However, the more detailed citation could be found in al-Mardāwī's (d. 885/1480) book where he writes

In *al-Ri'āyah al-Kubrā*, he [the author] said: “He who does not see it [new moon] is bound by the same ruling as he who does.” Then he said: “I [the author] said: Rather, this applies [only] when the horizons are close and sharing the same one, and not beyond the distance of shortening prayers, but if their horizons differ, the ruling differ.” He [the author] chooses that the far distance is the distance of shortening prayers.¹²²

The previous statement is direct citation from al-Mardāwī's book where it seems he direct cites from *al-Ri'āyah al-Kubrā*. Then the next question who is the author of *al-Ri'āyah* or *al-Ri'āyah al-Kubrā*? Throughout my survey, Ḥanbalī scholars who writes the book called *al-Ri'āyah al-Kubrā* is Najm al-Dīn Abū 'Abd Allāh Aḥmad ibn Muḥammad ibn Ḥamdān al-Ḥarrānī or Ibn Ḥamdān (d. 695/1296). He is the author of *al-Ri'āyah al-Ṣuḡhrā* and *al-Ri'āyah al-Kubrā*. In the book *al-Ri'āyah al-Ṣuḡhrā*, Ibn Ḥamdān only mention the opinion of main Ḥanbalī school

¹²⁰ Ibn Muflīḥ, *Al-Furū'*, 4:414–15.

¹²¹ Burhān al-Dīn Ibn Muflīḥ, *Al-Mubdi'*, 2:409.

¹²² Ibn Abī 'Umar al-Maqdisī and Al-Mardāwī, *Al-Muqni' Wa al-Sharḥ al-Kabīr Wa al-Inṣāf*, 7:336.

on *ikhtilāf al-maṭāli*’. However, the editor (*muḥaqqiq*) of the book mentions in the introduction that the first volume of *al-Ri‘āyah al-Kubrā* which contains chapter of fasting, is lost (*mafqūd*).¹²³ Therefore, I only find Ibn Ḥamdān’s preferred opinion in later Ḥanbalī books and the opinion is the least cited opinion in the school.

In sum, there are four opinions in Ḥanbalī school: the main Ḥanbalī opinion, Ibn Taymiyyah’s considering different horizons, Ibn Taymiyyah’s detailed opinion, and distance of shortening period. Most of Ḥanbalī scholars from premodern period refer to main opinion as the preferred one. The main opinion is similar to Ḥanafī and Mālikī standard opinion that is when the new crescent moon is sighted in one *balad* or people of the *balad* see it, the ruling applies to all people and places. However, there are several dissenting opinions in the school. Ibn Taymiyyah’s considering different horizons is cited several times by later premodern Ḥanbalī scholars as dissenting opinions however, some modern Ḥanbalī scholars refer to it as preferred one. Moreover, Ibn Taymiyyah have also other dissenting opinion where he limits the obligation of making up the missed fast by the possibility to transmit the report in the first day. The latter opinion receives less reference from later Ḥanbalī scholars. Furthermore, another dissenting opinion is distance of shortening prayer and the opinion is considered as opinion of *Ṣāhib al-Ri‘āyah* or *Ibn Ḥamdān* (d. 695/1296).

For hadith Kurayb, Ibn Qudāmah (d. 620/1223) realized that the hadith is interpreted by other scholars to support their opinion which is not the main Ḥanbalī opinion. Ibn Qudāmah states that the hadith tells that the people of Medina did not end their fast [Ramadan] by solely report of Kurayb and Ibn Qudāmah agrees on it. However, according Ibn Qudāmah, the point of debate is whether to make up the missed fast or not and the hadith did not mention about that. Then, Later Ḥanbalī scholars follow Ibn Qudāmah’s interpretation of hadith Kurayb.

From the the discussion, I conclude that the Ḥanbalī scholars use the term *balad*, *makān*, *masākīn*, *balad* interchangeably. Then, for dissenting opinion, the

¹²³ Najm al-Dīn Aḥmad ibn Ḥamdān Ibn Ḥamdān al-Ḥarrānī, *Al-Ri‘āyah Fī al-Fiqh ‘alā Madhhab al-Imām Aḥmad Ibn Ḥanbal*, vol. 1, ed. ‘Alī ibn ‘Abd Allāh ibn Ḥamdān al-Shahrī (Maktabat al-Malik Fahd, 2007), 48, 446.

deciding feature is the distance since difference of horizons, distance of shortening prayer and the possibility to transmit the report in the first day mean distance from one point to another.

2.5 The Shāfi'ī School

In Shāfi'ī school, the main opinion of the school is the minor opinion of Sunni schools. All the Shāfi'ī works that are discussed in this section, are supporting the main Shāfi'ī opinion which is *i'tibār ikhtilāf al-maṭāli*'. Therefore, this section differs from the previous where the previous ones are divided thematically and then chronologically analyzed, this section will discuss in chronologically since most Shāfi'ī works thematically are in main opinion of the school, I divide this section into two periods (subsections). The first is before and during the time of al-Nawawī then the second is after al-Nawawī.

2.5.1 Before and During the Time of al-Nawawī

In Shāfi'ī school, the first discussion on *Ikhtilāf al-maṭāli*' is in fifth century AH. al-Māwardī (d. 450/1058) explains it in two of his works. one of the books is *al-Ḥāwī al-Kabīr*, he mentions that if people of one *balad* see the new moon and people of other *balad* did not then there are three opinions among Shāfi'ī scholars.¹²⁴ The first opinion is one moon sighting is for all people which is the main opinion of Ḥanafī, Mālikī, and Ḥanbalī. Next, the second opinion describes that the horizons differ if the *balads* or *buldān* differ therefore every *qawm* has its own horizon and the ruling is based on theirs, and the reasoning is every *balad* has different time for praying with other. Moreover, the third opinion is new moon ruling is only for those in same *iqlīm* and the reasoning is the hadith that similar to hadith Kurayb.¹²⁵ In other work *al-Iqnā*', al-Māwardī only mentioned the third

¹²⁴ Abū al-Ḥasan 'Alī ibn Muḥammad ibn Muḥammad ibn Ḥabīb al-Baṣrī al-Baghdādī al-Māwardī, *Al-Ḥāwī al-Kabīr Fī Fiqh Madhhab al-Imām al-Shāfi'ī*, 1st ed. (Dār al-Kutub al-'Ilmiyya, 1994), 3:409.

¹²⁵ It was narrated that Thawbān came to Medina from Shām and informed them that he had seen the new moon a night before Medina. Ibn Abbas said, "We are not bound by their [ruling in] Shām; we are bound by our Hejaz." So he applied single different ruling to the Hijaz, even though its *balads* or *bilad* differed [many *balads* in Hejaz], and distinguished between it and Shām.

aforementioned opinion which is based on *iqḷīm* and it could be concluded that is the preferred opinion according to al-Māwardī.¹²⁶

Later, al-Shīrāzī (d. 476/1083), in *al-Muhadhdhab*, explains another opinion that if the new moon is sighted in one *balad* but not in another, both *balads* must fast if they are close [in distance]. However, if they are far apart, fasting is obligatory only for those who sighted the moon, not for those who did not and the reason is hadith Kurayb.¹²⁷ Moreover, it is important to note that al-Shīrāzī's opinion is crucial in Shāfi'ī school since later al-Nawawī writes commentary on *al-Muhadhdhab* and build his opinion based on the al-Shīrāzī's. Here, al-Shīrāzī did not define what is near and far however later Shāfi'ī scholars will define it.

al-Juwaynī (d. 478/1085), before defining "far", writes that the previous Shāfi'ī scholars (*aṣḥābunā*) prefer the opinion that if the distance is far away then the ones who see the new moon have their ruling and the one who did not have their separate ruling. Moreover, al-Juwaynī adds definition of what "far" means. Here, he states that the sight of new moon might be differ in short distance and between different elevated places and the revealed law (*al-shar'*) is not based on that. Therefore, the defining point is *masāfa al-qaṣr* (distance of shortening prayer).¹²⁸ Furthermore, al-Juwaynī's opinion on the topic, is known and strong opinion in the school but not the strongest or stronger. Later, Ibn 'Abd al-Salām (d. 660/1261), al-Qazwīnī (d. 665/1266), al-Baghawī (d. 516/1122) follow same opinion as al-Juwaynī and al-Baghawī adds hadith Kurayb as its reasoning.¹²⁹

Next, al-'Imrānī (d. 558/1162) summarizes previous Shāfi'ī scholars' opinions and his contributions is to mention the names who choose the opinions. He first states that if people of *balad* see the new moon and people in the other

¹²⁶ Abū al-Ḥasan 'Alī ibn Muḥammad ibn Muḥammad ibn Ḥabīb al-Baṣrī al-Baghdādī al-Māwardī, *Al-Iqnā' Fī al-Fiqh al-Shāfi'ī*, 1st ed. (Dār Iḥsān, 1959), 73.

¹²⁷ Abū Ishāq Ibrāhīm ibn 'Alī ibn Yūsuf al-Shīrāzī al-Shīrāzī, *Al-Muhadhdhab Fī Fiqh al-Imām al-Shāfi'ī*, 1st ed. (Dār al-Qalam, 1992), 1:539–94.

¹²⁸ 'Abd al-Malik ibn 'Abd Allāh ibn Yūsuf ibn Muḥammad al-Juwaynī al-Juwaynī, *Nihāyat al-Maṭlab Fī Dirāyat al-Madhdhab*, 1st ed. (Dār al-Minhāj, 2007), 4:17.

¹²⁹ 'Izz al-Dīn 'Abd al-'Azīz ibn 'Abd al-Salām ibn 'Abd al-Salām, *Al-Ghāyah Fī Ikhtisār al-Nihāyah*, 1st ed. (Wizārat al-Awqāf, 2016), 2:396; Najm al-Dīn 'Abd al-Ghaffār b. 'Abd al-Karīm al-Qazwīnī, *Al-Hāwī al-Ṣaghīr*, 1st ed., ed. Ṣāliḥ b. Muḥammad al-Yābis (Dār Ibn al-Jawzī, 2009), 225; Abū Muḥammad al-Ḥusayn ibn Mas'ūd ibn Muḥammad ibn al-Farrā' al-Baghawī al-Baghawī, *Al-Tahdhīb Fī Fiqh al-Imām al-Shāfi'ī*, 1st ed. (Dār al-Kutub al-'Ilmiyya, 1997), 3:147.

[*balad*] did not, then the distance must be considered. If they are close then the ruling is one however, if they are far apart then there two opinions

If the two *balads* are far apart, there are two opinions. The first, which is the opinion of Judge Abū al-Ṭayyib and the preferred one of al-Ṣaymarī, is that fasting is obligatory for everyone. This is also the opinion of Aḥmad ibn Ḥanbal, just as if the two *balads* were close together.

The second opinion—as Sheikh Abū Ḥāmid mentioned it in his *al-ta'liq* and Sheikh Abū Ishāq [al-Shīrāzī] in his work *al-Muhaddhab*—is that it is not obligatory for the people of *balad* who did not see it, based on what was narrated on hadith Kurayb.¹³⁰

Here, al-ʿImrānī mentioned the minor opinion of the Shāfiʿī school which main opinion of other schools, is the opinion of Abū al-Ṭayyib and al-Ṣaymarī.¹³¹ Then, the main opinion of the school which is separate ruling for two far *balads*, is the opinion of Abū Ḥāmid¹³² and Abū Ishāq [al-Shīrāzī]. Furthermore, al-ʿImrānī adds explanation on previous opinions by defining what is “far”

There are two opinions regarding the consideration of far distance:

The first, which is the opinion of al-Masʿūdī, in *al-Ibānah*,¹³³ p. 156, and al-Juwaynī, is that distance is the distance that permits shortening prayers (*masāfa al-qasr*) or more, and proximity [near] is less than that.

The second, as mentioned by al-Ṣaymarī, is that if it is one *iqlim*, then all its people are bound by the sighting of some of them. If it is two *iqlims*, then the people of one are not bound by the sighting of the people of the other.

Ibn al-Ṣabbāgh said: If they are two *balads* whose *maṭlaʿ* [or horizon] do not differ, such as Baghdad and Basra, then they are bound by the sighting of some of them. If they are two

¹³⁰ Abū al-Ḥusayn Yahyā ibn Abī al-Khayr ibn Sālim al-ʿImrānī al-ʿImrānī, *Al-Bayān Fī Madhhab al-Imām al-Shāfiʿī*, 1st ed. (Dār al-Minhāj, 2000), 3:478.

¹³¹ I cannot find the opinions of Abū al-Ṭayyib and al-Ṣaymarī in their works. However, according to my reading, they are Abū al-Ṭayyib Ṭāhir ibn ʿAbd Allāh ibn Ṭāhir ibn ʿUmar al-Ṭabarī al-Shāfiʿī (d. 450/1058) and al-Ṣaymarī Abū al-Qāsim ʿAbd al-Wāḥid ibn al-Ḥusayn ibn Muḥammad (d. 386 AH/996 CE)

¹³² I also cannot find his words. He is Abū Ḥāmid al-Isfarāyīnī (d. 495 AH/1102 CE)

¹³³ I could not find the name al-Masʿūdī who is the author *al-Ibānah*

balads that horizons differ, such as Iraq and the Hejaz, Shām and Khorasan, and the like, then neither is bound by the sighting of the other. He mentioned this from Sheikh Abū Ḥāmid.¹³⁴

In previous statement, al-‘Imrānī states there are two opinions on definition of far distance however, I see there are three opinions: the first opinion is shortening prayer distance which is the opinion of al-Juwaynī and al-Mas‘ūdī in *al-‘Ibānah*, the second is if two *balads* located in different *iqlīms* which is, according to al-‘Imrānī, mentioned by al-Ṣaymarī. Here, I add that the previous opinion is also mentioned and preferred by al-Māwardī. Moreover, the third opinion is written by al-‘Imrānī as Ibn al-Ṣabbāgh’s words, referring to Sheikh Abū Ḥāmid. The third opinion is “difference in horizons” means different rulings. Here, it seems al-‘Imrānī does not see Ibn al-Ṣabbāgh’s opinion¹³⁵ as one separated opinion but as part of the previous opinion which is based on *iqlīm*. This could be concluded, if we analyze how Ibn al-Ṣabbāgh or al-‘Imrānī explain difference in *maṭla‘*, they define it by using example or *al-ta‘rīf bi-l-mithāl*, the names of places such as “Baghdad and Basra” are considered have same horizon where, in fact, Baghdad and Basra are within one *iqlīm* Iraq, while the names “Iraq and the Hijaz, Shām and Khorasan” are considered to have different horizons where each of them is name of one *iqlīm*. This is because the definition of “difference in horizons” and “different *iqlīms*” are interchangeable in the topic especially in Shāfi‘ī school. For more detailed account, I will explain it in the following subsection “The Terms.”

Then, al-Rāfi‘ī (d. 623/1226), one of the most authoritative Shāfi‘ī scholars, discusses about *ikhtilāf al-maṭāli‘* in similar way with al-‘Imrānī but al-Rāfi‘ī prefers one opinion unlike ‘Imrānī. al-Rāfi‘ī also uses hadith Kurayb as the reasoning for different rulings between two distant *balads* and he also adds that the

¹³⁴ al-‘Imrānī, *Al-Bayān*, 3:479.

¹³⁵ ‘Abd al-Sayyid ibn Muḥammad ibn ‘Abd al-Wāhid ibn Aḥmad ibn Ja‘far ibn al-Ṣabbāgh Ibn al-Ṣabbāgh, “al-Shāmil fī Furū‘ al-Shāfi‘iyya li-Ibn al-Ṣabbāgh min Awwal Kitāb al-Jana‘iz ilā Bidāyat Bāb Ṣiyām al-Taṭawwu‘ wa-al-Khurūj Minhu Qabl Itmāmihi: Dirāsatan wa-Taḥqīqan” (Islamic University of Madinah, 2010), 899–900.

previous opinion as Abū Ḥanīfah's. For the defining feature of far distance, al-Rāfi'ī mentions distance of shortening prayer as the preferred one (*ashhar*)¹³⁶

And how is the far distance between the two *balads* determined? The book [*al-Wajīz* by al-Ghazali] considers the distance of shortening prayers, and this was also narrated by the imām [al-Juwaynī] and the author of *Al-Tahdhīb* [al-Baghawī].¹³⁷

Moreover, he adds the opinions of Iraqis [Shāfi'ī scholars] and al-Ṣaydalānī¹³⁸ who define far distance as difference in horizons such as Iraq, Hejaz, and Shām and close distance as same horizon such as Baghdad, Kufah, al-Ray, and al-Qazwīn [which are within Iraq] and some [of Iraqi Shāfi'ī scholars] define far and near distance as different *iqālīm*s or same one, respectively. Here, al-Rāfi'ī define difference in horizons by mentioning the examples (name of places).

For al-Nawawī (d. 676/1277), he is central person in the Shāfi'ī school¹³⁹ and his opinions are influential for later scholars including in the topic of *ikhṭilāf al-maṭāli'*. In early of his life, al-Nawawī prefer distance of shortening prayer as defining feature for far distance.

the strong view among our [Shāfi'ī] scholars is that the moon sighting does not apply to all people, but is specific to those who are in close distance that did not allow shortened prayer (below the distance of shortening prayer, *masāfat al-qasr*).¹⁴⁰

¹³⁶ 'Abd al-Karīm ibn Muḥammad ibn 'Abd al-Karīm al-Rāfi'ī, *Al-Muḥarrar*, 1st ed. (Dār al-Kutub al-'Ilmiyya, 2005), 108.

¹³⁷ 'Abd al-Karīm ibn Muḥammad ibn 'Abd al-Karīm al-Rāfi'ī, *Al-'Azīz Sharḥ al-Wajīz al-Ma'rūf Bi-al-Sharḥ al-Kabīr*, 1st ed. (Dār al-Kutub al-'Ilmiyya, 1997), 3:179–80.

¹³⁸ He is Muḥammad ibn Dāwūd ibn Muḥammad al-Marwazī. See Taqī al-Dīn Abū Bakr ibn Aḥmad ibn Muḥammad ibn 'Umar al-Asadī al-Shahabī al-Dimashqī Ibn Qāḍī Shuhbah, *Ṭabaqāt Al-Shāfi'īyyah*, 1st ed., ed. 'Abd al-'Alīm al-Ḥāfiẓ Khān ('Ālam al-Kutub, 1987), 1:214–215.

¹³⁹ Mahmood Kooria, *Islamic Law in Circulation: Shafi'i Texts across the Indian Ocean and the Mediterranean*, 1st ed. (Cambridge University Press, 2022), 131–35, <https://doi.org/10.1017/9781009106825>.

¹⁴⁰ Abū Zakariyyā Muḥyī al-Dīn ibn Sharaf al-Nawawī, *Sharḥ Al-Nawawī 'alā Muslim*, 1st ed. (al-Maṭba'a al-Miṣriyya, 1929), 7:109.

However, in his later works, the preferred opinion of al-Nawawī, shifts to base on horizon where far distance means different horizons and near distance means same horizon.¹⁴¹

If the new moon is sighted in *balad*, its ruling applies to the near *balad*, not the distant one, according to the stronger opinion (*al-aṣaḥḥ*). The far distance is the distance of shortening prayer. It is also said that the ruling depends on the difference in horizons.

I say: This [latter opinion] is the stronger opinion (*al-aṣaḥḥ*), and God knows best.¹⁴²

Moreover, in al-Majmū‘, al-Nawawī writes comprehensive list of Shāfi‘ī scholars’ opinions regarding *Ikhtilāf al-maṭāli‘* during his time. He writes each view in detail then summarizes:

There are six views in this matter:

(1) that the sighting of the new moon in one *mawḍi‘* obligates all people of the earth; (2) that the ruling applies only to the people of the same *Iqlīm* as the place of sighting; (3) that it applies to every *balad* that shares the same horizon with the place of sighting—this being the strongest opinion (*al-aṣaḥḥ*); (4) that it applies to every *balad* from which it would not normally be observable for the new moon to be hidden without some obstacle; (5) that it applies to those within the distance that permits shortening the prayer (*masāfat al-qaṣr*) but not beyond it; and (6) that it applies only to the *balad* where the new moon is sighted.¹⁴³

Until this period, there are many opinions in Shāfi‘ī how different rulings apply to different *balads* or places. However, the opinions of al-Rāfi‘ī and al-Nawawī will dominate later discussion of *ikhtilāf al-maṭāli‘*.

¹⁴¹ Abū Zakariyyā Muḥyī al-Dīn ibn Sharaf al-Nawawī, *Rawḍat Al-Ṭālibīn Wa-‘Umdat al-Muftīn*, 1st ed. (Dār al-Fayḥā’, 2012), 2:408–9.

¹⁴² Abū Zakariyyā Muḥyī al-Dīn ibn Sharaf al-Nawawī, *Minhāj Al-Ṭālibīn Wa-‘Umdat al-Muftīn Fī al-Fiqh*, 1st ed. (Dār al-Minhāj, 2005), 178.

¹⁴³ Abū Zakariyyā Muḥyī al-Dīn ibn Sharaf al-Nawawī, *Al-Majmū‘ Sharḥ al-Muhadhdhab* (Maktabat al-Irshād, n.d.), 6:281–82.

Both al-Rāfi‘ī (d. 623/1226) and al-Nawawī (d. 676/1277) are most authoritative Shāfi‘ī jurists. Their opinions frequently become the most dominant ones in the madhab and later Shāfi‘ī jurists mention them as the standard views. On the topic of *ikhtilāf al-maṭāli‘*, the debate is more focus how to define what is far distance. According to al-Rāfi‘ī, he chooses the opinion that defines it as *masāfat al-qasr* or beyond, and he mentions it as known opinion (*al-ashhar*) and al-Nawawī also considering it as strong one (*ṣaḥīḥ*) in his early work *Sharḥ al-Muslim*. However, in al-Nawawī’s later works, he considers both *masāfat al-qasr* and different horizons as strong opinions to determine far distance and then he chooses different horizons as relied-upon, strongest and dominant opinion (*al-aṣaḥḥ*). Later, I refer to the previous debate as Rāfi‘ī/al-Nawawī debate in this section.

2.5.2 After al-Nawawī

In the ninth and tenth centuries AH, most of the major Shāfi‘ī reference books were produced. To begin with, Ibn al-Muqrī (d. 837/1433) in his works¹⁴⁴ and Bā Faḍl al-Ḥaḍramī (d. 918/1512) in *al-Muqaddimah al-Ḥaḍramīyah*,¹⁴⁵ state that the new moon ruling applies to those who share same horizon. Moreover, Ibn al-Muqrī in his *Ikhlāṣ al-Nāwī* mentions the al-Rāfi‘ī/al-Nawawī debate.¹⁴⁶ Then, Zakariyyā al-Anṣārī (d. 926/1519) in *Asnā al-Maṭālib* describes the concept of horizons through examples. A shared horizon is exemplified by Baghdad, Kūfa, and Rayy, while different horizons are Iraq, the Hejaz, and Khurāsān. Moreover, the reasoning is based on the Hadith of Kurayb and the analogy of differing times for sunrise and sunset.¹⁴⁷ Moreover, Zakariyyā al-Anṣārī mentions al-Rāfi‘ī/al-Nawawī debate and also the answer for relying on astronomical calculations on *ikhtilāf al-maṭāli‘*, while it is rejected for determining Ramadan, he says:

¹⁴⁴ Sharaf al-Dīn Ismā‘īl ibn Abī Bakr Ibn al-Muqrī, *Rawḍ al-Ṭālib*, 1st ed. (Dār al-Bashā’ir al-Islāmiyya, 2009), 1:174; Sharaf al-Dīn Ismā‘īl ibn Abī Bakr Ibn al-Muqrī, *Ikhlāṣ al-Nāwī Sharḥ Irshād al-Ghāwī Ilā Masālik al-Hāwī*, new (Wizārat al-Awqāf, 2014), 1:290–91; Sharaf al-Dīn Ismā‘īl ibn Abū Bakr ibn Ibn al-Muqrī, *Irshād al-Ghāwī Ilā Masālik al-Hāwī*, 1st ed., ed. Walīd b. ‘Abd al-Raḥmān al-Rubay‘ī (Dār al-Minhāj, 2013), 126.

¹⁴⁵ ‘Abd Allāh ibn ‘Abd al-Raḥmān ibn Abī Bakr Bā Faḍl Bā Faḍl, *Al-Muqaddimah al-Ḥaḍramīyah*, 3rd ed. (Dār al-Minhāj, 2011), 171.

¹⁴⁶ Sharaf al-Dīn Ismā‘īl ibn Abū Bakr Ibn al-Muqrī, *Ikhlāṣ al-Nāwī Sharḥ Irshād al-Ghāwī Ilā Masālik al-Hāwī*, New, vol. 1, ed. ‘Abd al-‘Azīz ‘Aṭīyah Zallṭ (Lajna Ihya’ al-Turāth al-Islāmī, 2014), 290–91.

¹⁴⁷ Zakariyyā ibn Muḥammad ibn Zakariyyā al-Anṣārī Zakariyyā al-Anṣārī, *Asnā al-Maṭālib Fī Sharḥ Rawḍ al-Ṭālib*, 1st ed. (Dār al-Kutub al-‘Ilmiyya, 2001), 3:7.

The fact that it [reliance on calculation] is not considered valid in fundamental principles (*al-Uṣūl*) and general matters does not necessarily imply that it is not considered valid in secondary matters (*al-tawābiʿ*) and specific cases.¹⁴⁸

The previous citation shows the use of scientific astronomical reason as the evidence even though it is not completely accepted such as in case determining Ramadan. Furthermore, the previous statement later mentioned several times to support al-Nawawī's dominant opinion. Moreover, in *Fatḥ al-Wahhāb*, Zakariyyā al-Anṣārī uses the term *maḥall* (place) rather than *balad* and the former is more general than the latter, according to him.

al-Ramlī (d. 957/1550) is central in *ikhtilāf al-maṭāliʿ* discussion in Shāfiʿī school since he sets the template that followed by later Shāfiʿī scholars when discussing about *Ikhtilāf al-maṭāliʿ*. In *Fatḥ al-Raḥmān*, al-Ramlī after mentioning Rāfiʿī/al-Nawawī debate, adds:

Al-Subkī said: And in cases of different horizons, the new moon sighting in one of two places (*al-makānayn*) may indicate the sighting in the other, but not vice versa. This is because night enters the east before it enters the west; therefore, its sighting in the east necessitates its sighting in the west, but not the opposite.¹⁴⁹

Here, Al-Subkī's statement adds a point to the discussion. The difference in ruling occurs when the people of the west sight the new moon while the people of the east do not. However, in the opposite scenario, when the people of the east sight the new moon and the people of the west do not, the ruling is the same for both, and they should all fast. Moreover, al-Ramlī in his *Fatāwā*, adds other point from al-Tabrīzī:

¹⁴⁸ Zakariyyā al-Anṣārī, *Asnā Al-Maṭālib*, 3:7; Zakariyyā ibn Muḥammad ibn Zakariyyā al-Anṣārī Zakariyyā al-Anṣārī, *Fatḥ Al-Wahhāb Bi-Sharḥ Minhaj al-Ṭullāb*, 1st ed. (Dār al-Kutub al-ʿIlmiyya, 1997), 1:205–7.

¹⁴⁹ I could not find Al-Subkī's aforementioned statement in his works however, it could be found in later scholars' work. See Shihāb al-Dīn Abū al-ʿAbbās Aḥmad ibn Aḥmad ibn Ḥamzah al-Ramlī, *Fatḥ Al-Raḥmān Bi-Sharḥ Zubad Ibn Raslān*, 1st ed. (Dār al-Kutub al-ʿIlmiyya, 2009), 468.

The criterion for differing horizons is that the two *balads* be so distant that if the crescent is sighted in one of them, it would generally not be sighted in the other.

Shaykh Tāj al-Dīn al-Tabrīzī—may Allah have mercy on him—clarified this: that for a distance of less than twenty-four *farskh*,¹⁵⁰ the horizons do not differ. Therefore, the statement of al-Nawawī—may Allah have mercy on him—is interpreted according to this, and it is the relied-upon (*al-mu'tamad*) opinion. Thus, doubt regarding differing horizons does not arise for distances less than twenty-four *farskh*, because the horizons do not differ in such a distance.¹⁵¹

Here, al-Tabrīzī's statement limit for the shortest distance that different horizons might appear which is twenty-four *farskh*. Moreover, in *Hāshiyat al-Ramlī al-Kabīr*, he combines both Al-Subkī's east/west ruling and al-Tabrīzī's twenty-four *farskh* to explain different rulings for different horizons.¹⁵² In addition to Rāfi'ī/al-Nawawī debate, this is the template that later followed by other Shāfi'ī jurists.

After al-Ramlī, Ibn Ḥajar al-Haytamī (d. 974/1566) has several works that engages the topic. al-Haytamī follows previous template, discussing Rāfi'ī/al-Nawawī debate, Al-Subkī's east/west ruling and al-Tabrīzī's twenty-four *farskh* and the answer of why astronomical calculation is considered for *ikhtilāf al-maṭāli'* (differing horizons) but not for establishing the beginning of Ramadan.¹⁵³ Moreover, in *Ithāf Ahl al-Islām bi-Khuṣūṣiyyāt al-Ṣiyām*, al-Haytamī focuses more

¹⁵⁰ It is around 120-130 kilometers, see the following section "The Terms"

¹⁵¹ Shihāb al-Dīn Abū al-'Abbās Aḥmad ibn Aḥmad ibn Ḥamzah al-Ramlī, *Fatāwā Al-Ramlī* (no pdf, n.d.), 193.

¹⁵² I cannot find Al-Subkī's and al-Tabrīzī's words on their works. It only could be found in later scholars' works.

¹⁵³ Aḥmad ibn Muḥammad ibn 'Alī ibn Ḥajar al-Haytamī Ibn Ḥajar al-Haytamī, *Tuḥfat Al-Muḥtāj Fī Sharḥ al-Minhāj Wa-Ḥawāshī al-Shirwānī Wa-al-'Abbādī*, 1st ed. (Dār al-Diyā', 2020), 3:598–602; Aḥmad ibn Muḥammad ibn 'Alī ibn Ḥajar al-Haytamī Ibn Ḥajar al-Haytamī, *Al-Manhaj al-Qawīm Sharḥ al-Muqaddimah al-Ḥadramīyah*, 1st ed. (Dār al-Minhāj, 2006), 396; Aḥmad ibn Muḥammad ibn 'Alī ibn Ḥajar al-Haytamī Ibn Ḥajar al-Haytamī, "Al-Imdād Bi-Sharḥ al-Irshād" (Master Thesis, Islamic University of Madinah, 2015), 394–95; Aḥmad ibn Muḥammad ibn 'Alī ibn Ḥajar al-Haytamī Ibn Ḥajar al-Haytamī, *Fath Al-Jawād Bi-Sharḥ al-Irshād*, 1st ed. (Dār al-Kutub al-'Ilmiyya, 2005), 1:430.

on hadith Kurayb.¹⁵⁴ Furthermore, al-Haytamī's contemporary, al-Khaṭīb al-Shirbīnī (d. 977/1569) follows the template to explain the topic.¹⁵⁵

In 11th century AH, al-Qalyūbī (d. 1069/1658) in his super commentary, engages with the previous template and criticizes the statement who define different horizons by distance, saying

The statement of some: 'The minimum distance causing different horizons is the distance of shortening prayer (*masāfat al-qasr*) and half of that, which is twenty-four *farskh*,' is incorrect; rather, it is false.¹⁵⁶

al-Qalyūbī also adds other defining element to what constitute different horizons which is the line of longitude and latitude¹⁵⁷:

This is caused by the difference in the latitudes of *balads*, i.e., their distance from the equator, and their longitudes, i.e., their distance from the coast of the Western Ocean [Atlantic Ocean]. So, if two *balads* share the same longitude, sighting [of new moon] in one of them necessarily entails its sighting in the other, even if their latitudes differ, or even if months of travel separate them, or if one is in the far south and the other in the far north. But if their longitudes differ in a manner that will be explained [Mecca and Egypt], they cannot be equal in sighting, and sighting it in the eastern *balad* necessarily entails its sighting in the western *balad*, but not the opposite.¹⁵⁸

Some of later Shāfi'ī scholars consider longitude and latitude as defining feature of difference in horizons.

¹⁵⁴ Aḥmad ibn Muḥammad ibn 'Alī ibn Ḥajar al-Haytamī Ibn Ḥajar al-Haytamī, *Ithāf Ahl Al-Islām Bi-Khuṣūṣiyyāt al-Ṣiyyām*, 1st ed. (Mu'assasat al-Kutub al-Thaqāfiyya, 1990), 104–7.

¹⁵⁵ Muḥammad ibn Muḥammad al-Khaṭīb al-Shirbīnī al-Khaṭīb al-Shirbīnī, *Mughnī Al-Muhtāj Ilā Ma'rifat Ma'ānī Alfāz al-Minhāj*, 1st ed. (Dār al-Ma'rifa, 1997), 1:619.

¹⁵⁶ Aḥmad ibn Aḥmad ibn Salāmah al-Qalyūbī and Shihāb al-Dīn Aḥmad al-Burullusī al-Miṣrī 'Amīrah, *Hāshiyatā Qalyūbī Wa-'Amīrah*, 3rd ed. (Maṭba'at Muṣṭafā al-Bābī al-Ḥalabī, 1956), 2:64.

¹⁵⁷ Latitude ('arḍ) and longitude (ṭūl) are imaginary lines that used to locate any exact location on Earth. Latitude lines run horizontally (east to west) and measure how far a location is North or South of the Equator. Longitude lines run vertically (north to south) and measure how far a location is East or West of the Prime Meridian (Greenwich, England).

¹⁵⁸ al-Qalyūbī and 'Amīrah, *Hāshiyatā Qalyūbī Wa-'Amīrah*, 2:64.

In 13th century AH, Sa‘īd Bā ‘Ishn (d. 1270/1853) in *Bushrā al-Karīm*, engages with the template and define the different horizons as different times for astronomical object to rise and set:

The same horizon (*ittiḥād al-maṭāli*) means that the setting of the sun and celestial bodies, and their rising, occur simultaneously in two locations (*maḥallayn*). If any of these rises or set in one location at a time before or after the other, then they differ [in horizons]. Doubt concerning their difference is like certainty of their difference, as the foundational principle is the absence of obligation until the cause is evident.¹⁵⁹

Then, al-Bakrī (d. 1310/1892) in *I‘ānat al-Ṭālibīn* and Nawawī al-Bantanī (d. 1316/1898) in *Nihāyat al-Zayn*, follow the aforementioned definition regarding the same horizon. Nawawī al-Bantanī adds that the reason for this is the difference in latitude and longitude.¹⁶⁰

Another work from the early 14th century AH is Ḥāshiyat al-Turmusī (d. 1338/1919). This work is similar to *Bushrā al-Karīm* in that both mention authoritative Shāfi‘ī scholars' opinions on the topic. However, Ḥāshiyat al-Turmusī is longer and more detailed, and is perhaps the most comprehensive summary of previous works regarding *ikhtilāf al-maṭāli* in Shāfi‘ī school.¹⁶¹ Moreover, it is the main reference for Bā ‘Aṭiyyah al-Dū‘anī's (d. 1380/1960) *Ghāyat al-Munā* on the topic.¹⁶² In addition, some modern Shāfi‘ī *fiqh* books, such as *al-Sirāj al-Wahhāj*, *Fiqh al-‘Ibādāt*, and *al-Fiqh al-Manhajī*, still maintain the dominant opinion in the madhhab that the *balads* far from the site of moon sighting follow a different ruling, and that “far distance” is defined by different horizons (*ikhtilāf al-maṭāli*). The

¹⁵⁹ Sa‘īd ibn Muḥammad Bā ‘Alī Bā ‘Ishn Bā ‘Ishn, *Sharḥ Al-Muqaddimah al-Ḥaḍramīyah al-Musammā Bushrā al-Karīm Bi-Sharḥ Masā’il al-Ta’līm*, 1st ed. (Dār al-Minhāj, 2004), 542–43.

¹⁶⁰ Abū Bakr ‘Uthmān ibn Muḥammad Shaṭā al-Dimyāṭī al-Bakrī, *I‘ānat Al-Ṭālibīn ‘alā Hall Alfāz Fath al-Mu‘īn*, 3rd ed. (Dār al-Salām, 2021), 2:505–10; Muḥammad ibn ‘Umar Nawawī al-Jāwī al-Bantanī Nawawī al-Bantanī, *Nihāyat Al-Zayn Fī Irsyād al-Mubtadi‘īn*, 1st ed. (Dār al-Kutub al-‘Ilmiyya, 2002), 180.

¹⁶¹ Muḥammad Maḥfūz ibn ‘Abd Allāh al-Turmusī al-Turmusī, *Ḥāshiyat Al-Turmusī*, 1st ed. (Dār al-Minhāj, 2011), 5:508–13.

¹⁶² Muḥammad b. ‘Alī b. Muḥammad Bā ‘Aṭiyya al-Dū‘anī, *Ghāyat Al-Munā Sharḥ Safīnat al-Najā*, 1st ed. (Maktabat Tarīm al-Ḥadītha, 2008), 564–65.

reasoning is based on the Hadith of Kurayb.¹⁶³ However, these works (*Fiqh al-Ibādāt*, and *al-Fiqh al-Manhajī*) do not mention the earlier template on the discussion.

In sum, Shāfi'ī school's main opinion is when the new moon is sighted in one *balad*, other near *balads* should follow its ruling. However, if there is far distance between two *balads* then the ruling is based on each moon sighting. Then, there are several opinions on how to define far distance. Two strong opinions are distance of shortening prayer and difference in horizons. According to most Shāfi'ī scholars, the opinion of “difference in horizons” is the preferred one.

For *iqḷīm*, it is the earliest preferred opinion in Shāfi'ī text that available, *al-Iqnā'* by al-Māwardī (d. 450/1058). However, after al-Nawawī, the term “*iqḷīm*” almost disappeared from Shāfi'ī literature. According to my analysis, the concept of *iqḷīm* is still exist in the discussion of *ikhtilāf al-maṭāli'* and it merges to concept of “difference in horizons.” Furthermore, I consider *iqḷīm* is interchangeable with the opinion of “difference in horizons.” I will explain more in the following subsection “The Terms.”

The opinion that states every *balad* has its ruling, is very minor in Shāfi'ī school and other schools. In fact, no Shāfi'ī authors that reviewed in this section, preferred the opinion but they refer to other scholars.

For the periodization, the period before al-Nawawī is when several opinions exist equally where the period after al-Nawawī is more dominated by the opinion al-Nawawī (d. 676/1277). Then, al-Ramlī (d. 957/1550) is central in the topic to set the template that followed by later Shāfi'ī scholars where it includes Rāfi'ī/al-Nawawī debate, Al-Subkī's east/west ruling and al-Tabrīzī's twenty-four *farskh*. Moreover, al-Nawawī's opinion is the main one in the school until the modern period.

¹⁶³ Muḥammad al-Zuhrī al-Ghamrāwī al-Ghamrāwī, *Al-Sirāj al-Wahhāj 'alā Matn al-Minhāj*, 6th ed. (Dār al-Kutub al-‘Ilmiyya, 2009), 137; Muṣṭafā al-Khin et al., *Al-Fiqh al-Manhajī 'alā Madhhab al-Imām al-Shāfi'ī*, 13th ed. (Dār al-Qalam, 2012), 1:335–36; al-Ḥājjah Durriyyah al-‘Aṭṭah, *Fiqh Al-‘Ibādāt 'alā al-Madhhab al-Shāfi'ī* (n.d.), vol. 2 p. 25.

For hadith Kurayb, it is the reasoning for most of opinions in the school. Some scholars use it for different rulings for different *iqlīms*, other use it for distance of shortening prayer, and other use it for different rulings for different horizons.

After the discussion, I conclude that the distance is crucial as deciding point in *ikhtilāf al-maṭālī*. Moreover, besides distance, Shāfi‘ī the scholars give significant portion to scientific astronomical method as evidence.

2.6 The Terms

This section explains the terms mentioned in previous sections. It focuses on their meaning in *fiqh* books with additional reference to Arabic dictionaries. The terms are *balad*, *iqlīm*, *masāfat al-qaṣr*, *farskh*, *ḥākim*, *qāḍī*, *imām al-a‘aẓam*, *amīr al-mu‘minīn*.

The term *balad* is crucial in every Sunni *fiqh* school where the term used to explain where the new moon is sighted and how far the ruling applies. It is common to read in the topic “if the new moon is sighted in one *balad* while other did not, what is the ruling?” then, what is the definition of *balad*. Surprisingly, despite frequently used in the topic, the definition of *balad* could not be found in the discussion of *ikhtilāf al-maṭālī* and it is difficult to find in *fiqh* book generally. Even, in *al-Mawsū‘a al-Fiqhiyya al-Kuwaytiyya*, the term *balad* did not get separated entry for it but rather part of other entries.¹⁶⁴ However, throughout my survey, the most relevant definition of *balad* is al-Bakrī al-Dimyātī’s (d. 1310/1892) one

The term "*balad*" refers to the place where residential buildings gathered, whether they be a *balad*, *qarya*, or *miṣr* [and *miṣr*] have a *ḥākim* shar‘ī, shurṭīy, and markets for trade. A *balad* is defined as one that possesses some of these. A *qarya* is one that lacks all of these. There is no difference in the buildings whether they are made of stone, wood, reeds, or similar materials.

¹⁶⁴ *Al-Mawsū‘a al-Fiqhiyya al-Kuwaytiyya*, vol. 38 (Wizārat al-Awqāf wa-l-Shu‘ūn al-Islāmiyya), under “Miṣr”; *Al-Mawsū‘a al-Fiqhiyya al-Kuwaytiyya*, vol. 33 (Wizārat al-Awqāf wa-l-Shu‘ūn al-Islāmiyya), under “Qaryah.”

Similar to buildings are caves and underground chambers in places like mountains.¹⁶⁵

Here, al-Bakrī defines “*balad*” as the place where residential buildings gathered. However, there are several types of *balad* which are *miṣr*, *balad*, *qarya*. Then, those types are decided by the existence or absence of several features. Therefore, *balad* which is *miṣr*, is where residential buildings gathered have *ḥākim* shar‘ī, shurṭīy, and markets for trade. Next, *balad* which is *balad*, is where residential buildings gathered have some of them. Moreover, *balad* which is *qarya*, is where residential buildings gathered does not have all of them.

It might be confusing to see “*balad* which is *balad*,” however it is how Muslim scholars use the terms. Recall ‘Abd al-Malik or Ibn al-Mājishūn’s exception that engages with the topic when the moon sighting is established limited authority. The ruling of new crescent only applies to those under its limited authority. In some cases, Mālikī scholars state that the ruling only applies to those in *balad* where it is established by its ruler authority. Here, the term *balad* is the type of *balad* where the ruler or authority exists in a place that residential buildings gathered. However, in most writings of Sunni schools, the term *balad* refer to the general *balad* which is a place that residential buildings gathered. Moreover, the term implicitly emphasizes the distance between residential buildings since the close distance between them that makes them *balad*. Therefore, I refer later in Chapter Four, to *balad* as “imagined physical community” or location-based community.

Next term is *iqlīm* which is important in Shāfi‘ī school especially before the time of al-Nawawī (d. 676/1277). Throughout my survey, no specific definition for *iqlīm* in *fiqh* books. However, the Muslim scholars define it by mentioning the example. Recall in Shāfi‘ī school, the scholars define “difference in horizons” by mentioning *iqlīm* names¹⁶⁶ such as Shām, Hejaz, and Iraq and “same horizon” by mentioning *balad* names in one *iqlīm* such as Baghdad and Basra which are in Iraq *iqlīm*. Since the main opinion of Shāfi‘ī school is based on distance and the

¹⁶⁵ al-Bakrī, *I‘ānat Al-Ṭālibīn*, 2:136.

¹⁶⁶ See fn 130

strongest opinion defines far distance as when the horizons differ therefore the deciding feature is the distance. Then, it could be concluded that *iqḷīm* is where several *balads* located within close distance.

Moreover, there are two definitions of *iqḷīm* in Arabic dictionaries.¹⁶⁷ The first is based on custom where the *iqḷīm* characterized with features that differentiate it with other *iqḷīms*. Therefore, Shām, Yemen, Hejaz are *iqḷīm* and what decides it is custom. The second definition is from premodern Arab astronomers where they divide this world into seven *iqḷīms* based on distance to equator. Then, the first definition of *iqḷīm* is closer to the use of Muslim scholars.

Next terms are *masāfat al-qaṣr* and *farsakh*. In Islam, if Muslim in journey fulfills some conditions, then he might shorten some prayers and one of the conditions is the journey must surpass the distance of *masāfat al-qaṣr* (distance of shortening prayer). There are several opinions on how long is *masāfat al-qaṣr* however, the major opinion will be focused here. The premodern major opinion uses the unit *farsakh* to define *masāfat al-qaṣr*. Therefore, the distance of shortening prayer is 16 *farsakhs*. According al-Zuḥaylī, it equals 88,407 kilometers with other dissenting opinions. For *farsakh*, Major opinion defines it as 3 *mīls* [or *amyāl*] and it equals 1.848 meters according to al-Zuḥaylī.¹⁶⁸ Moreover, there are several opinions on how to define *masāfat al-qaṣr*, *farsakh*, and *mīl* however what important here is those are distance unit and distance is crucial on the discussion of *ikhtilāf al-maṭālī*.

Next terms are *ḥākim*, *qāḍī*, *imām al-a‘aẓam*, *amīr al-mu‘minīn*. These terms are important for ‘Abd al-Malik or Ibn al-Mājjishūn’s exception where he limits the applicability of moon sighting to those under what I call limited authority or *ḥākim* if the new moon is established by the latter. The term *ḥākim* has several meanings however the common use in *fiqh* refer to *qāḍī* who is the one appointed and designated by the Sultan to adjudicate and resolve disputes and conflicts

¹⁶⁷ Muḥammad ibn ‘Alī ibn al-Qāḍī Muḥammad Ḥāmid ibn Muḥammad Sābir al-Fārūqī al-Ḥanafī al-Tahānawī, *Kashshāf Iṣṭilāḥāt Al-Funūn Wa-al-‘Ulūm*, 1st ed. (Maktabat Lubnān Nāshirūn, 1996), vol. 1 p.127; Aḥmad ibn Muḥammad ibn ‘Alī al-Fayyūmī, *Al-Miṣbāḥ al-Munīr Fī Gharīb al-Sharḥ al-Kabīr* (al-Maktabah al-‘Ilmiyya, n.d.), vol. 2 p. 515; Ibrāhīm Muṣṭafā et al., *Al-Mu‘jam al-Wasīṭ* (Dār al-Da‘wah, n.d.), vol. 1/22.

¹⁶⁸ al-Zuḥaylī, *Al-Fiqh al-Islāmī Wa-Adillatuhu*, 1:142.

between people in accordance with its rulings. However, depending in context, the term *ḥākim* could refer to *al-khalīfa*, *al-wālī*, or others.¹⁶⁹ For the terms *imām al-a‘aẓam* and *amīr al-mu‘minīn*, *al-Mawsū‘a al-Fiqhiyya al-Kuwaytiyya* describes the term *al-imāmah al-kubrā* that could explain other terms. It is stated that

al-imāmah al-kubrā is general leadership [or authority] in religion and worldly affairs, succession to the Prophet, may God bless him and grant him peace. It is called general (*kubrā*) to distinguish it from the limited authority (*ṣughrā*), which is the *imāmah* of prayer, and it is considered in its place.¹⁷⁰

Moreover, the terms *al-khalīfah* and *amīr al-mu‘minīn* are synonym of *al-imāmah al-kubrā*. Furthermore, it is important to note that the authority of *al-imāmah al-kubrā* is not limited to distance or territory but general to all Muslims in all people therefore I call it general authority while the authority of *qāḍī* or *ḥākim* is limited to the *balad* therefore I call it limited authority.

2.7 Conclusion

This chapter describes the concept of *ikhtilāf al-maṭāli‘* throughout history in four Sunni *fiqh* schools. The major opinion is the main opinion of Ḥanafī, Mālikī, and Ḥanbalī school which is when the new moon is sighted in one *balad* then the ruling applies to everyone and every place. The previous opinion is dissenting opinion in Shāfi‘ī school. However, the minor opinion of *ikhtilāf al-maṭāli‘* is the main opinion of Shāfi‘ī school which emphasizes the far distance between two *balads* for different rulings. Then, the strongest opinion defining “far distance” is difference in horizons. Therefore, the main question of the topic *ikhtilāf al-maṭāli‘* is whether to consider or disregard the difference of horizons in determining Ramadan.

Besides the main opinion of *jumhūr* (three schools) and Shāfi‘ī, there are several dissenting opinions within each school. As this Chapter Two shows, the distance is central in dissenting opinions of three schools and main opinion of

¹⁶⁹ *Al-Mawsū‘a al-Fiqhiyya al-Kuwaytiyya*, vol. 16 (Wizārat al-Awqāf wa-l-Shu‘ūn al-Islāmiyya), under “Ḥākim.”

¹⁷⁰ *Al-Mawsū‘a al-Fiqhiyya al-Kuwaytiyya*, vol. 6 (Wizārat al-Awqāf wa-l-Shu‘ūn al-Islāmiyya), under “al-Imāmah al-Kubrā.”

Shāfi‘ī. some of measurements are different horizons, distance of shortening prayer, extremely far distance, one month of travel and others. Furthermore, the terms such as *balad* and *iqlīm* are based on distance. Therefore, the distance is central in the topic of *ikhtilāf al-maṭāli‘*. Moreover, some scholars also refer to scientific astronomical reasoning such as east/west direction, latitude, and longitude, to support their view.

For hadith Kurayb, the question is not about the soundness of the hadith but about how the scholars interpret it. The scholars who choose the main opinion of the *jumhūr* argue that the hadith is not against their position, since they interpret it as indicating insufficient criteria for Kurayb’s testimony, that the imām did not oblige the people, and that the hadith did not mention the obligation to make up the missed fast. On the other hand, scholars who choose other opinions, such as those based on different horizons, the distance for shortening prayer, or an extremely far distance, refer to hadith Kurayb as their main reasoning.

It is important to note that not all *fiqh* books discuss the topic *ikhtilāf al-maṭāli‘*. Some authoritative texts such as *al-Hidāyah Sharḥ Bidāyat al-Mubtadī* and *Kifāyah al-Akhyār fī Ḥall Ghāyah al-Ikhtiṣār* did not engage with the topic. Moreover, the doctrine of *ikhtilāf al-maṭāli‘* is relatively stable from the earliest conception until modern period. However, in the following chapter, the practice of *ikhtilāf al-maṭāli‘* in modern period experience major transformation.

CHAPTER 3

IKHTILĀF AL-MAṬĀLI‘ IN THE MODERN ERA

4.1 Introduction

This chapter examines the practice of *ikhtilāf al-maṭāli‘* and its transformation in the modern world. It examines Indonesia, Saudi Arabia, and Egypt as case studies during late twentieth and early twenty-first century CE. For Saudi and Egypt, both countries are highly influential in the region and beyond especially in religious matters. It could be concluded from the questions that Saudi and Egyptian religious authorities received around the world, including the questions on *Ikhtilāf al-Maṭāli‘*. On the other hand, Indonesia is not as influential as two aforementioned states however its case is interesting to be analysed for three reasons. The first is its geographical longitudinal span that reaches around 50 degrees. It means the time gap for sun- or moonset is around three hours from Indonesian most eastern point to most western point. So, in most cases Muslims in eastern part of Indonesia must wait three until four hours after the sunset to wait decision from national government on Ramdan and Eid al-Fitr. The second reason is all of Indonesian Islamic bodies in this section are non-governmental bodies, unlike al-Lajna al-Dā‘ima and Dār al-‘Ifṭā’, and they are more independent from government’s intervention. The third reason is the government of Indonesia does not oblige the people and organizations to follow its decision on Islamic months and, in contrast, it facilitates the different decisions by providing high number of national holidays around Eid al-Fitr day.¹⁷¹

The methodology for this section is similar to Chapter Two which is historical textual and comparative analysis. However, I add some interview with the authorities to clarify several issues. Moreover, the primary sources are relevant fatwas on *Ikhtilāf al-Maṭāli‘* and documents related to determining Ramadan. For Indonesia, this study engages with fatwas and documents from Majelis Ulama Indonesia (Indonesian Ulama Council, MUI), Nahdlatul Ulama (NU), and Muhammadiyah. All of aforementioned three Indonesian Islamic bodies have their compilation of their fatwas published. In addition to the published fatwas, I visit

¹⁷¹ Hosen, “Hilal and Halal,” 12.

ANRI¹⁷² to examine some related documents on determining Ramadan. Furthermore, I interview authorities from NU and Muhammadiyah to clarify some issues. Then, for Saudi Arabia, I analyse the fatwas from al-Lajna al-Dā'ima in its published compilation.¹⁷³ For Egypt, this chapter reviews Dār al-'Iftā''s fatwas also in its published compilation.¹⁷⁴

From annual Muslim experience, it is clear that each modern state has its own decision to determine the start and end of Ramadan. However, the focus of this chapter is how Muslim scholars argue on facing the reality in modern era. Moreover, the structure of this chapter is based on the case studies. The first section is Indonesia which includes MUI, NU, and Muhammadiyah. The second is Saudi Arabia, focusing on al-Lajnah al-Dā'imah. Then, the third is Egypt's Dār al-'Iftā' as case study.

4.2 Indonesia

4.2.1 MUI, NU, Muhammadiyah in Brief

There are several influential Muslim organizations in Indonesia. Among them, three are the most prominent ones in both popular and academic sense: Majelis Ulama Indonesia (MUI), Nahdlatul Ulama (NU), and Muhammadiyah.¹⁷⁵ Although these organizations are not official state bodies, they have had a significant impact on Indonesian society and the state for decades. While both Muhammadiyah and NU are mass-based organizations, MUI is council of Indonesian Muslim scholars. Moreover, they are influential in determining the start of new Islamic months, in which the discussion of *Ikhtilāf al-maṭāli* ' is part of it.

¹⁷² ANRI (Arsip Nasional Republik Indonesia) is national archive library of Indonesia.

¹⁷³ see in Aḥmad ibn 'Abd al-Razzāq al-Duwaysh al-Duwaysh, ed., *Fatāwā Al-Lajna al-Dā'ima Li-l-Buḥūth al-'Ilmiyya Wa-l-Iftā'*, 1st ed., vol. 10 (Dār al-'Āṣima, 1996); Aḥmad ibn 'Abd al-Razzāq al-Duwaysh al-Duwaysh, ed., *Fatāwā Al-Lajna al-Dā'ima Li-l-Buḥūth al-'Ilmiyya Wa-l-Iftā'* (*al-Majmū'a al-Thāniya*), 1st ed., vol. 9 (al-Ri'āsa al-'Āmma li-l-Buḥūth al-'Ilmiyya wa-l-Iftā', 2007).

¹⁷⁴ Dār al-Iftā' al-Miṣriyya Dār al-Iftā', *Al-Fatāwā al-Islāmiyya Min Dār al-Iftā' al-Miṣriyya* (Dār al-Iftā' al-Miṣriyya, 2010), 1–34; see in; Dār al-Iftā' al-Miṣriyya Dār al-Iftā', *Al-Fatāwā al-Islāmiyya Min Dār al-Iftā' al-Miṣriyya*, vol. 39 (Dār al-Iftā' al-Miṣriyya, 2011).

¹⁷⁵ see Hasyim, *The Shariatization of Indonesia*; Mitsuo Nakamura, *The Crescent Arises over the Banyan Tree: A Study of the Muhammadiyah Movement in a Central Javanese Town, c. 1910-2010* (Institute of Southeast Asian Studies, 2012); Faried F. Saenong, "Nahdlatul Ulama (NU): A Grassroots Movement Advocating Moderate Islam," in *Handbook of Islamic Sects and Movements*, ed. Muhammad Afzal Upal and Carole M. Cusack (Brill, 2021), <https://doi.org/10.1163/97890004435544>.

In determining the start of new Islamic months, Muhammadiyah and NU each make their own decisions. Most of NU's decisions align with those of the official government, while Muhammadiyah's decisions often differ from those of the other two, NU and Indonesian government. Moreover, MUI does not issue decisions regarding the first day of new Islamic months. Before engaging with their related fatwas and practices, the following paragraphs briefly describe these three mainstream Muslim organizations to provide context and background.

The oldest of the three is Muhammadiyah which was established in 1912 in Yogyakarta. Among the three Muslim organizations, it is the oldest. Ahmad Dahlan (d. 1341/1923), the founder of this organization, is well known for his modernist and reformist ideas.¹⁷⁶ He places serious interest in the thought of Muhammad Abduh, which was later developed further by Rashid Rida.¹⁷⁷ Therefore, Muhammadiyah is recognized for its reformist movement,¹⁷⁸ including in the discussion of *Ikhtilāf al-maṭāli'*. Furthermore, Muhammadiyah has a fatwa-making body called "Majelis Tarjih dan Tajdid"¹⁷⁹ (Council for Religious Preference and Reform), which was established in 1927 by K.H. Mas Mansur's (d. 1365/1946).¹⁸⁰

¹⁷⁶ for more detailed discussion on Muhammadiyah, see Syamsul Anwar, "Fatwā, Purification and Dynamization: A Study of Tarjih in Muhammadiyah," *Islamic Law and Society* 12, no. 1 (2005): 27–44, <https://doi.org/10.1163/1568519053123894>; Alexander R. Arifianto, "From Ideological to Political Sectarianism: Nahdlatul Ulama, Muhammadiyah, and the State in Indonesia," *Religion, State and Society* 49, no. 2 (2021): 126–41, <https://doi.org/10.1080/09637494.2021.1902247>; Eunsook Jung, "Islamic Organizations and Electoral Politics in Indonesia: The Case of Muhammadiyah," *South East Asia Research* 22, no. 1 (2014): 73–86; Leslie H. Palmier, "Modern Islam in Indonesia: The Muhammadiyah After Independence," *Pacific Affairs* 27, no. 3 (1954): 255–63; Ahmad Najib Burhani and Muhammad Nur Prabowo Setyabudi, "Muhammadiyah: The Leading Reformist Movement in Indonesia," in *The Oxford Handbook of Islamic Reform*, ed. Emad Hamdeh et al. (Oxford University Press, 2026), <https://doi.org/10.1093/oxfordhb/9780197532805.013.74>; Ahmad Najib Burhani, "Pluralism, Liberalism, and Islamism: Religious Outlook of Muhammadiyah," *Studia Islamika*, December 1, 2018, 433–70, <https://doi.org/10.15408/sdi.v25i3.7765>; Nakamura, *The Crescent Arises over the Banyan Tree*; Greg Barton, "The Gülen Movement, Muhammadiyah and Nahdlatul Ulama: Progressive Islamic Thought, Religious Philanthropy and Civil Society in Turkey and Indonesia," *Islam and Christian-Muslim Relations* 25, no. 3 (2014): 287–301, <https://doi.org/10.1080/09596410.2014.916124>; Masdar Hilmy, "Whither Indonesia's Islamic Moderatism? A Reexamination on the Moderate Vision of Muhammadiyah and NU," *JOURNAL OF INDONESIAN ISLAM* 7, no. 1 (2013): 24, <https://doi.org/10.15642/JIIS.2013.7.1.24-48>.

¹⁷⁷ Anwar, "Fatwā, Purification and Dynamization," 30–31.

¹⁷⁸ Zulian, *Fatwa in Indonesia*, 11.

¹⁷⁹ Previously, it is named "Majelis Tarjih"

¹⁸⁰ Anwar, "Fatwā, Purification and Dynamization," 33–34; Zulian, *Fatwa in Indonesia*.

One of Muhammadiyah's major principles is returning directly to the Quran and hadith. Accordingly, most of its fatwas are based on these two primary sources. Moreover, the strength and authoritativeness of Majelis Tarjih's outputs are measured by their adherence to these sources. In other words, as stated by Anwar, "The more Majelis Tarjih decisions and fatwas are based on the Quran and hadith, the stronger their authoritative value."¹⁸¹ Consequently, decisions that rely less on these two sources are considered less authoritative. Muhammadiyah views the opinions of Muslim scholars as interpretative efforts whose authority is derived from their reference to the Quran and hadith.

The second oldest body of three is Nahdlatul Ulama that founded by K.H. Hasyim Asy'ari (d. 1366/1947) in 1926, within a political context that is important to note. In the pre-independence Indonesian archipelago, reformist Muslim movements were growing, one of which was Muhammadiyah, which sought to purify Islam from practices considered invalid.¹⁸² At the same time, global political developments added further pressure, particularly after Ibn Saud took control of the Hejaz and established the Saudi state, which also promoted a puritan agenda. Consequently, traditionalist Muslim scholars sought to advocate for and preserve

¹⁸¹ Anwar, "Fatwā, Purification and Dynamization," 36.

¹⁸² for more detailed discussion on Nahdlatul Ulama, see Saenong, "Nahdlatul Ulama (NU): A Grassroots Movement Advocating Moderate Islam"; Faisal Ismail, "The Nahdlatul Ulama: Its Early History and Contribution to the Establishment of Indonesian State," *Journal of Indonesian Islam* 5, no. 2 (2011): 247, <https://doi.org/10.15642/JIIS.2011.5.2.247-282>; Nadirsyah Hosen, "Nahdlatul Ulama and Collective Ijtihad," *New Zealand Journal of Asian Studies* 6, no. 1 (2004): 5–26; Robin Bush, *Nahdlatul Ulama and the Struggle for Power Within Islam and Politics in Indonesia*, with Institute of Southeast Asian Studies (Institute of Southeast Asian Studies, 2009); Andrée Feillard, "Nahdlatul Ulama in Indonesia," in *The Oxford Handbook of Islam and Politics*, ed. John L. Esposito and Emad Eldin Shahin, Oxford Handbooks (Oxford university press, 2013); Dr Martin van Bruinessen, *NU: Tradisi, Relasi-relasi Kuasa, Pencarian Wacana Baru* (Lkis Pelangi Aksara, 1994); Greg Fealy and Robin Bush, "The Political Decline of Traditional Ulama in Indonesia," *Asian Journal of Social Science* 42, no. 5 (2014): 536–60, <https://doi.org/10.1163/15685314-04205004>; Michael Laffan, "The Fatwā Debated? Shūrā in One Indonesian Context," *Islamic Law and Society* 12, no. 1 (2005): 93–122, <https://doi.org/10.1163/1568519053123920>; Yanwar Pribadi, "Religious Networks in Madura: Pesantren, Nahdlatul Ulama, and Kiai as the Core of Santri Culture," *Al-Jami'ah: Journal of Islamic Studies* 51, no. 1 (2013): 1–32, <https://doi.org/10.14421/ajis.2013.511.1-32>; Alexander R. Arifianto, "Practicing What It Preaches? Understanding the Contradictions between Pluralist Theology and Religious Intolerance within Indonesia's Nahdlatul Ulama," *Al-Jami'ah: Journal of Islamic Studies* 55, no. 2 (2017): 241–64, <https://doi.org/10.14421/ajis.2017.552.241-264>; Serafettin Pektaş, "A Comparative Analysis of Three Sunni Muslim Organizations on 'Moderate' and 'Radical' Islam in Egypt, Morocco and Indonesia," *Religion* 51, no. 2 (2021): 190–213, <https://doi.org/10.1080/0048721X.2020.1868383>; Ahmad Najib Burhani, "Al-Tawassuṭ Wa-l I'tidāl: The NU and Moderatism in Indonesian Islam," *Asian Journal of Social Science* 40, no. 5/6 (2012): 564–81.

established traditional practices of Islam. One of them was K.H. Hasyim Asy'ari, the founder of NU. As an organization, NU functions more as a network of ulama, kyai, and Muslim scholars, many of whom have their own schools, mosques, and followers.¹⁸³ As a result, NU expanded rapidly and became the largest Muslim organization in Indonesia in terms of members, followers, or sympathizers. Moreover, NU has a fatwa-making body called Lembaga Bahtsul Masail (Board for Research on [religious] Issues).¹⁸⁴

One notable aspect of Bahtsul Masail is its methodology on sources. While it does refer to the Quran and hadith, the body understands that through the opinions of classical Muslim scholars. According to NU scholars, the Quran and hadith are not treated as independent sources of evidence (*dalīl*) by themselves, but rather as parts of Muslim scholars' interpretation. Therefore, the main task of Bahtsul Masail is not to refer directly to the Quran and hadith, but to seek answers within established scholars' opinions and *fiqh* manuals,¹⁸⁵ an approach that contrasts with Muhammadiyah's Majelis Tarjih that emphasizes to return directly to Quran and hadith.

The youngest body of the three by far, established in 1975, is the Majelis Ulama Indonesia (MUI).¹⁸⁶ Its establishment was closely related to the government. It was initiated by the Ministry of Religious Affairs and supported by Suharto, the President of Indonesia at the time. Prof. Hamka (d. 1401/1981) is the first general chairman of MUI from 1975 to 1981. Despite its closeness to the state and its financial support, MUI is not an official state body, but rather a non-governmental and independent organization. Moreover, its membership consists of Muslim scholars from various Indonesian Islamic organizations, including the two largest

¹⁸³ Ismail, "The Nahdlatul Ulama," 263.

¹⁸⁴ Saenong, "Nahdlatul Ulama (NU): A Grassroots Movement Advocating Moderate Islam," 141; Laffan, "The Fatwā Debated?"

¹⁸⁵ Saenong, "Nahdlatul Ulama (NU): A Grassroots Movement Advocating Moderate Islam," 142.

¹⁸⁶ for more detailed discussion on Majelis Ulama Indonesia, see Nadirsyah Hosen, "Behind the Scenes: Fatwas of Majelis Ulama Indonesia (1975-1998)," *Journal of Islamic Studies* 15, no. 2 (2004): 147–79; Mun'im Sirry, "Fatwas and Their Controversy: The Case of the Council of Indonesian Ulama (MUI)," *Journal of Southeast Asian Studies* 44, no. 1 (2013): 100–117; Hasyim, *The Shariatization of Indonesia*; Moch Nur Ichwan, "Ulamā", *State and Politics: Majelis Ulama Indonesia After Suharto*, January 1, 2005, <https://doi.org/10.1163/1568519053123867>; Zulian, *Fatwa in Indonesia*.

ones, NU and Muhammadiyah.¹⁸⁷ However, MUI is not a superior body with authority over other organizations rather, it attempts to accommodate diverse religious perspectives and act as advisory body.

One aspect of MUI's methodology is that its fatwas are based on the Quran, hadith, consensus (*ijmā'*), analogical reasoning (*qiyās*), and other recognized sources of evidence (*dalīl*).¹⁸⁸ Compared to NU and Muhammadiyah, MUI adopts a different approach by combining elements of both. While Muhammadiyah emphasizes direct reference to the Quran and hadith, and NU prioritizes classical scholarly texts, MUI integrates these approaches within its methodology.

In the following subsections, I will examine fatwas and documents related to the practice of *ikhtilāf al-maṭāli'*, first from Nahdlatul Ulama (NU), then Muhammadiyah, and finally Majelis Ulama Indonesia (MUI).

4.2.2 NU's Fatwa

The earliest fatwa related to determining Ramadan and Shawwal¹⁸⁹ dates back to the 1954 conference (*muktamar*).¹⁹⁰ The question came from the NU Banyuwangi branch, asking whether it is allowed to announce the start of Ramadan using astronomical calculation before the Religious Department does. The conference decided that announcing the decision of Ramadan or Shawwal using calculation before the broadcasting from Religious Department, is not allowed, in order to prevent chaos within the Muslim community (*umat Islam*), and expressed hope that the government would prohibit such actions. Although the fatwa is not directly related to *Ikhtilāf al-maṭāli'*, it addresses the broader issue of determining Ramadan and other Islamic months. three points can be drawn from 1954 fatwa:

¹⁸⁷ Moch. Nur Ichwan, "'Ulamā', State and Politics: Majelis Ulama Indonesia After Suharto," *Islamic Law and Society* 12, no. 1 (2005): 48–49, <https://doi.org/10.1163/1568519053123867>; Hosen, "Behind the Scenes," 149–55; Hasyim, *The Shariatization of Indonesia*, 6–7; Zulian, *Fatwa in Indonesia*, 10–11.

¹⁸⁸ Hosen, "Behind the Scenes," 158–67; Majelis Ulama Indonesia, *Himpunan Fatwa Majelis Ulama Indonesia Sejak 1975*, Edisi terbaru (emir, 2015), vol. 1/21-22, <https://emir.co.id/himpunan-fatwa-mui-sejak-1975/>.

¹⁸⁹ For Fatwas from NU, see in Pengurus Besar Nahdlatul Ulama (PBNU), *Ahkamul Fuqaha: Solusi Problematika Aktual Hukum Islam (Keputusan Muktamar, Munas, Dan Konbes Nahdlatul Ulama, 1926-2010 M)*, Cet. 1 (Khalista dan Lajnah Ta'lif wan Nasyr (LTN) PBNU., 2011).

¹⁹⁰ fatwa no. 278 in Pengurus Besar Nahdlatul Ulama (PBNU), *Ahkamul Fuqaha: Solusi Problematika Aktual Hukum Islam (Keputusan Muktamar, Munas, Dan Konbes Nahdlatul Ulama, 1926-2010 M)*, 290–92.

first, it grants greater authority to the government or state; and second, its reasoning is based on preventing disorder within the Muslim community; and third, the broadcasting is crucial in practice of Ramadan and Shawwal.

In 1987, the national conference of NU ulama (*Munas Alim Ulama*) discussed not only the issue of sighting and astronomical calculation, but also *Ikhtilāf al-maṭāli*.¹⁹¹ The discussion concerns determining the start of Ramadan, Eid al-Fitr, and Eid al-Adha. The *Munas* decision (fatwa 1987) contains five points, in which the first until the fourth points are related to moon sighting as the dominant position of NU. The fifth point includes several sub-points, some of which relate to *Ikhtilāf al-maṭāli*.¹⁹¹ Sub-point (b) clearly states that

NU, for a long period, has followed the opinion of ulama who do not differentiate *maṭla*. This means that the sighting of the new moon in one location (*tempat*), when accepted by the government for determining Ramadan, Eid al-Fitr, and Eid al-Adha, applies to the entire territory of Indonesia, even if the horizons or *maṭla* differ.¹⁹²

Moreover, sub-point (e) instructs all NU members—especially its leaders, from the national level down to the lowest branch—to pay attention to announcements from the government or the Ministry of Religious Affairs through *RRI* and *TVRI*¹⁹³ regarding these three occasions. If the decision is based on moon sighting, NU members must follow it. If not, they are not obliged to follow it. Furthermore, 1987 NU fatwa directly cites *Bughyat al-Mustarshidīn* and *al-‘Alam al-Manshūr fī Ithbāt al-Shuhūr* where both citations show preference for moon sighting over astronomical calculation and none discusses topic *Ikhtilāf al-maṭāli*.

From the 1987 fatwa, it can be understood that the Indonesian territory is considered to have a unified starting day for the new Islamic month even though

¹⁹¹ fatwa no. 369 in Pengurus Besar Nahdlatul Ulama (PBNU), *Ahkamul Fuqaha: Solusi Problematika Aktual Hukum Islam (Keputusan Mukhtamar, Munas, Dan Konbes Nahdlatul Ulama, 1926-2010 M)*, 415–18.

¹⁹² Pengurus Besar Nahdlatul Ulama (PBNU), *Ahkamul Fuqaha: Solusi Problematika Aktual Hukum Islam (Keputusan Mukhtamar, Munas, Dan Konbes Nahdlatul Ulama, 1926-2010 M)*, 416–17.

¹⁹³ RRI is *Radio Republik Indonesia* or Radio of Republic Indonesia. TVRI is *Televisi Republik Indonesia* or Television of Republic of Indonesia. Both RRI and TVRI are national broadcasting institutions.

the horizons differ, and that *RRI* and *TVRI* (broadcasting) play a crucial role in disseminating this decision.

While previous fatwas discuss about moon sighting in Indonesia, the 30th Conference (*Muktamar*) in 1999 addresses moon sighting outside Indonesia. The fatwa consists of four parts. The first part describes the issue (*Diskripsi Masalah*). NU uses astronomical calculation as support for moon sighting [rather than replacing it], and one consequence of utilizing astronomical calculation is the application of the *maṭla* ' map locally (by state or country), according to 1999 NU fatwa. Then, the determination of the *maṭla* ' applies only to the local state [*secara lokal (pernegara)*]. This can be understood from the command of the Prophet Muhammad to the emir of Mecca during the Hajj (narrated by Abū Dāwūd from Husein bin al-Haris al-Jadaliy).¹⁹⁴ Moreover, around 1999, the community experienced confusion, as some people followed Saudi Arabia's moon sighting as an international reference. The previous mentioned points are the description of the issue which is the first part of 1999 NU fatwa.

The second part of the fatwa lists several points regarding legal considerations (*Pertimbangan Hukum*). It contains four points and the following list are direct citation from them.

1. The location of the Indonesian archipelago has a different *maṭla* ' from that of Saudi Arabia.

¹⁹⁴ The hadith is not written in 1999 NU fatwa however what I found is:

that Ḥusain bin Al-Ḥārith Al-Jadālī - from the tribe of Jadīlah Qais - narrated: "A governor of Makkah delivered a speech, he said: 'The Messenger of Allah took an oath from us, that we perform our rites after sighting the crescent. If we do not sight it, and two just persons testify to (seeing) it, we should perform the rites on the basis of their testimony.' - (Abū Mālik said:) 'I asked al-Ḥusain bin Al-Ḥārith: 'Who is this governor of Makkah?' He said: 'I don't know.' Sometime later he met me and said: 'He is Al-Ḥārith bin Ḥāṭib, the brother of Muhammad bin Ḥāṭib.' - 'The governor then said: 'Among you is a person who is more knowledgeable about Allah and His Messenger than me. He testified to this, from the Messenger of Allah,' and then pointed with his hand towards a man." al-Ḥusain said: "I said to an older man beside me: 'Who is this, that the governor has pointed to?' He said: 'This is 'Abdullāh bin 'Umar, and he spoke the truth. He ('Abd al-Allāh ibn 'Umar) was more knowledgeable about Allah than him. He ('Abd al-Allāh ibn 'Umar) said: 'Allah's Messenger ordered us with that.'"

See hadith number 2338 in Sulaymān ibn al-Ash'ath ibn Ishāq ibn Bashīr al-Azdī al-Sijistānī Abū Dāwūd, *Sunan Abī Dāwūd* (Dār al-Risāla al-Ālamiyya, 2009), 4:26.

2. If the new moon is not sighted in Indonesia, it may be sighted in other states, including Saudi Arabia due to difference in sunset time, which is about four hours left behind in standard time of Indonesia.
3. The criteria of *'imkān al-ru'yah* (possibility of sighting) as agreement of *MABIMS*.¹⁹⁵
 - a. moon altitude of 2 degrees
 - b. new moon age of at least 8 hours after conjunction.
4. Ibn Abidin, in the book *Radd al-Muhtār*, volume II, page 393, in his substantive elaboration, posits the local state's (negara) *maṭla'* should be the primary reference for determining the beginning and end of the lunar month, especially Dzu'l-hijja.¹⁹⁶

The third part of 1999 NU fatwa, mentions the following question:

What is the legal standing on determining the beginning of the Islamic lunar months—especially Ramadan, Shawwal, and Dzu'l-hijja—based on international moon sighting as guidance for worship in Indonesia?

¹⁹⁵ *MABIMS* is *Menteri Agama Brunei, Indonesia, Malaysia, Singapura*. It is collaboration of Islamic religious authorities from Brunei, Indonesia, Malaysia, Singapore. Moreover, *MABIMS* has agreed on astronomical calculation criteria based on the possibility of sighting the new moon. The previous ("old") *MABIMS* criteria were: a minimum moon altitude of 2 degrees, a minimum elongation of 3 degrees, and a new moon age of at least 8 hours. The new *MABIMS* criteria are: a minimum moon altitude of 3 degrees and a minimum elongation of 6.4 degrees. However, It is important to note that *MABIMS* does not agree to start and end Islamic month together but the agreement is about astronomical calculation criteria in which new moon might be sighted.

¹⁹⁶ Fatwa 1999 did not direct cite Ibn 'Ābidīn's words however what is written in volume 2 page 393-394:

(Note) It is understood from their (previous scholars) words in the Book (*Kitāb*) of Hajj that the difference in moon sightings is considered, so they are not obligated to do anything if it turns out that the new moon was sighted in another *balдах* a day earlier. Is the same said regarding the sacrifice (*al-Uḍḥiyyah*) for those who are not performing Hajj? I have not seen it, but it seems so, because the difference in moon sightings is only not considered in fasting, as that is related to the general sighting of the new moon. This is unlike the sacrifice, which seems to be like the times of prayer; each people (*qawm*) are obligated to act according to their circumstance. Thus, the sacrifice (*al-Uḍḥiyyah*) is valid on the thirteenth day, even if, according to the sighting of others, it is the fourteenth. And God knows best.

See in Muḥammad Amīn Ibn 'Ābidīn, *Hāshiyat Radd Al-Muhtār 'alā al-Durr al-Mukhtār: Sharḥ Tanwīr al-Abṣār*, 2nd ed., vol. 6 (Sharikat Maktabat wa-Maṭba'at Muṣṭafā al-Bābī al-Ḥalabī wa-Awlāduh, 1966), vol. 2/393-394.

The previous question and the following answer show how the concept of nation-state is familiar for *mustaftī* and *mufti*. Then, the fourth part of the fatwa provides the answer.

Muslims in Indonesia and the Government of the Republic of Indonesia are not allowed to follow international moon sighting, since they are not part of a single legal unity (*al-balad al-wahid*).¹⁹⁷

The 1999 NU fatwa writes in verbatim “(*al-balad al-wahid*)” at the end of the answer which simply means one *balad*. Moreover, it direct cites *Fath al-Bārī bi-Sharḥ Ṣaḥīḥ al-Bukhārī* to support the answer. The citation is in Arabic then it translated into Indonesian. The Arabic paragraph is 6-line long and the translation is 16-line long. However, the important lines are where *Fath al-Bārī* mentions Ibn ‘Abd al-Barr’s limiting consensus and Ibn al-Mājjishūn’s opinion

But Ibn ‘Abd al-Barr narrated a consensus against it (main Mālikī opinion), and said: They agreed that sighting the new moon is not considered in distant *balads* such as Khorasan and Andalusia.

...

Ibn al-Mājjishūn said: the ruling does not bind except for the people of *balad* in which the testimony was established, unless it is established before *al-imām al-’a’zam*, in which case it obligates all the people, because the *balads* in his right are like one *balad*, since his ruling is applying for all.¹⁹⁸

In its Indonesian translation, it shows the similar meaning with the previous citation. However, the 1999 NU fatwa translates the term *al-imām al-’a’zam* as the highest leader of the state (*pemimpin tertinggi negara*). It is also important to note that in *Fath al-Bārī*, Ibn Ḥajar al-’Asqalānī (d. 852/1449) list several opinions on

¹⁹⁷ Pengurus Besar Nahdlatul Ulama (PBNU), *Ahkamul Fuqaha: Solusi Problematika Aktual Hukum Islam (Keputusan Mukhtar, Munas, Dan Konbes Nahdlatul Ulama, 1926-2010 M)*, 558.

¹⁹⁸ Pengurus Besar Nahdlatul Ulama (PBNU), *Ahkamul Fuqaha: Solusi Problematika Aktual Hukum Islam (Keputusan Mukhtar, Munas, Dan Konbes Nahdlatul Ulama, 1926-2010 M)*, 558; Aḥmad ibn ‘Alī ibn Ḥajar al-’Asqalānī Ibn Ḥajar al-’Asqalānī, *Fath al-Bārī Bi-Sharḥ Ṣaḥīḥ al-Bukhārī*, 1st ed. (Dār Ṭayba, 2005), 5:244.

ikhtilāf al-maṭāli ' from Shāfi'ī and Mālikī schools¹⁹⁹ however, 1999 NU fatwa only direct cites the Mālikī opinions.

From the 1999 fatwa, it is concluded that Indonesia should have its own moon sighting and should not follow other states or international moon sighting for several reasons. In the script, the narration is not explicitly cited when referring to the report narrated by Abū Dāwūd from Ḥusayn ibn al-Ḥārith al-Jadaliy. However, it can be found in *Sunan Abī Dāwūd* that the hadith does not directly engage with *ikhtilāf al-maṭāli* ', but rather concerns the sighting of the hilāl and the acceptance of two reliable testimonies.²⁰⁰ The narration is also rarely cited in *fiqh* literature, as discussed in Chapter Two of this thesis. Nevertheless, its use in the fatwa comes from an interpretive understanding of the hadith, as reflected in the following statement:

The determination that maṭla' only applies locally to the local state (*lokal negara setempat*) can be understood from the order of the Prophet Muhammad to the official emir of the city of Mecca when he was performing the Hajj (narrated by Abū Dāwūd from Ḥusayn ibn al-Ḥārith al-Jadaliy).

The 1999 NU fatwa also refers to Ibn 'Ābidīn's *Radd al-Muḥtār*. As mentioned in Chapter Two of this thesis, Ibn 'Ābidīn, in several his works, supports the dominant position of the Ḥanafī school, which does not consider difference in horizons (*ikhtilāf al-maṭāli* ') as reason for different rulings but rather he chooses the opinion, one moon sighting for all *balads*.²⁰¹ In *Radd al-Muḥtār*, Ibn 'Ābidīn presents several opinions on this issue before stating his own position (main Ḥanafī opinion). However, toward the end of his discussion, he notes a different or exception position for *Kitāb al-Ḥajj* or in case of book of pilgrimage, suggesting that for Dhu'l-Hijja the ruling may vary across different horizons. Therefore, he concludes that every *qawm* obliged according to their context, according to Ibn 'Ābidīn.²⁰² Surprisingly, it appears that this latter exceptional view was later

¹⁹⁹ Ibn Ḥajar al-'Asqalānī, *Fath Al-Bārī*, 5:244–45.

²⁰⁰ See fn 194

²⁰¹ See fn 45

²⁰² See fn 196

generalized by the 1999 NU fatwa to apply for Ramadan and Eid al-Fitr also. Moreover, it considers Indonesia (modern nation-state) as *balad*.

Moreover, the 1999 NU fatwa cites a passage from *Fath al-Bārī*, in which the key term *al-imām al-a'zam* is translated as “the highest leader of the state” (*pemimpin tertinggi negara*). While there are some defining features that overlaps. However, as showed in Chapter Two, the authority of *al-imām al-a'zam* or *imāmah al-kubrā* has general authority on Muslims and is not limited to certain territory. Therefore, it does not fully correspond to the modern concept of a state leader which its authority is limited to certain territory.

In sum, the NU position regarding *ikhtilāf al-maṭāli'* is both considering and disregarding difference in horizons simultaneously, as shown in 1987 and 1999 fatwas. 1987 fatwa states that if the new moon sighted in one place in Indonesia, the ruling applies to entire Indonesian territory despite difference in horizons. However, 1999 fatwa states that Muslims in Indonesia and the government should not follow international moon sighting [from outside Indonesia] and of its legal considerations is Indonesia has different horizon with Saudi (other state).

The current NU position is that Muslims within the territory of Indonesia should follow a single decision regarding the beginning of a new Islamic month especially Ramadan, Shawwal, and Dhu'l al-Hijja, despite differences in *maṭla'*, in order to maintain unity and avoid confusion. Therefore, Indonesia should not follow the moon sighting of other states, as they are not part of the same legal unity (*al-balad al-wāḥid*).

However, the definition of *al-balad* in the 1999 fatwa differs from that found in the 1938 and 1939 NU fatwas.²⁰³ In Chapter Two, I already explain the term *balad* in *fiqh* context. Interestingly, there are NU fatwas on definition of *balad* for topic zakat and Friday prayer. In those fatwas, *balad al-jum'ah* and *balad al-zakāt* are described as a residential area or village [In Indonesian text: *kelurahan, pedukuhan, lingkungan perumahan*]. The change of *balad*'s definition indicates a

²⁰³ fatwa no. 230 and 246 Pengurus Besar Nahdlatul Ulama (PBNU), *Ahkamul Fuqaha: Solusi Problematika Aktual Hukum Islam (Keputusan Mukhtamar, Munas, Dan Konbes Nahdlatul Ulama, 1926-2010 M)*, 224, 240–41.

transformation more nationalized understanding of the term in topic of *Ikhtilāf al-maṭāli*‘.

4.2.3 Muhammadiyah’s Fatwa

Muhammadiyah has been using astronomical calculation (*ḥisāb*) for a long time. This means that Muhammadiyah can announce the beginning of a new Islamic month weeks in advance. However, Muhammadiyah has several transformations in its concept of *maṭla*‘ or *ikhtilāf al-maṭāli*‘.

The first concept of *maṭla*‘ is in 1389 AH/1969 CE, where the Central Board of Muhammadiyah decided and announced that Eid al-Fitr for the entire territory of the Republic of Indonesia would fall on Wednesday, 10 December 1969, except in East Kalimantan, North Sulawesi, Eastern Indonesia (Maluku), and West Irian, where it would fall on Thursday, 11 December 1969.²⁰⁴

Here, Muhammadiyah divided the territory of Indonesia into two different dates. This appears to have been because the *ḥisāb* calculations showed that some regions in Indonesia fulfilled the criteria, while others did not.²⁰⁵

Later, the second concept of *maṭla*‘ is in the decision of the 26th National *Tarjih* 2003 Conference, chapter 5 on *ḥisāb* (astronomical calculation) and *ru’yah* (moon sighting). Majelis Tarjih determined four points.²⁰⁶ First, *ḥisāb* has the same function and position as *ru’yah* as a guide for determining the beginning of Ramadan, Shawwal, and Dhu’l al-Hijja. Second, the *ḥisāb* referred to in the first point is that used by the Majelis Tarjih and the Council for the Development of Islamic Thought under the Central Board of Muhammadiyah, namely the factual *ḥisāb* (*ḥisāb ḥaqīqī*) with the criterion of wujūd al-hilāl.²⁰⁷ Third, the considered

²⁰⁴ Arsip Nasional Republik Indonesia, *Inventaris Arsip Muhammadiyah 1922-2001*, Jakarta, 2026, Archive number 2268

²⁰⁵ According to my basic calculation using web app timeanddate.com, during the sunset on 9th December 1969 western part of Indonesia experienced moonset after sunset (Muhammadiyah criteria) and eastern part of Indonesia experienced moonset before sunset (under the criteria). Moreover, I could not find other Muhammadiyah decision that divides Indonesian territory into two dates. 1969 Muhammadiyah Eid al-Fitr announcement is the only one.

²⁰⁶ Majelis Tarjih dan Tajdid PP Muhammadiyah, *Himpunan Putusan Tarjih Muhammadiyah 3*, 1st ed. (Suara Muhammadiyah, 2018), <https://www.suaramuhammadiyah.or.id/products/detail/himpunan-putusan-tarjih-muhammadiyah-jilid-3-373>.

²⁰⁷ for more detailed definition of *ḥisāb* and its types, see Muhammadiyah, *HPT Muhammadiyah 3*, 217–19.

horizon (*maṭla*‘) is one based on *wilāyat al-ḥukm* (legal territory, i.e., Indonesia),²⁰⁸ citing two famous hadīths as evidence.²⁰⁹ Fourth, if the boundary line of *wujūd al-hilāl* (the criteria) at the beginning of the Islamic lunar month divides the territory of Indonesia, then the authority to determine the beginning of the month is decided in the Central Board of Muhammadiyah.

The third and fourth points of 2003 Muhammadiyah fatwa, are relevant to topic *ikhtilāf al-maṭālī*‘. Both points consider that Muslim in Indonesia should have one unified date for Islamic lunar month even if the criteria divide Indonesian territory.²¹⁰ The two last points also indicate a shift in the concept of *maṭla*‘. As shown in Chapter Two of this thesis, the term *wilāyat al-ḥukm* is rarely mentioned in classical *fiqh* literature, especially in discussions of *ikhtilāf al-maṭālī*‘. In fact, I could not find the specific definition of *wilāyat al-ḥukm* in any literature.²¹¹ Moreover, the term *wilāyat al-ḥukm* in 2003 Muhammadiyah fatwa is derived from interpretation of two well-known hadīths on the topic: the hadīth Kurayb and the hadīth Ibn ‘Umar, *lā taṣūmū ḥattā taraw al-hilāl ...* (Do not fast until you see the new moon ...). While premodern Muslim jurists cited both hadīths in their works, interpreting them in terms of *wilāyat al-ḥukm* or the modern nation-state is a relatively recent development.

Finally, the third concept of *maṭla*‘ is in KHGT. In 1447 AH/2025 CE, Muhammadiyah officially began using the Kalender Hijriyah Global Tunggal (KHGT), or the Unified Global Hijri Calendar, for the first time. Consequently, the determination of the first day of Ramadan and Shawwal in 2026, are based on

²⁰⁸ It is important to note that Muhammadiyah had already adopted the national concept (Indonesia) as its *maṭla*‘ decades before 2003. However, the 2003 Muhammadiyah fatwa referred to this concept as “Wilayatul Hukmi.” The finding is according to my examination on relevant documents in ANRI, Majelis Tarjih library in Yogyakarta and my interview with the authority. Here, I assert that to appreciate the development better, one should examine beyond *fatwā* and *fiqh* literature. Moreover, Samy Ayoub contends similar opinion, see Samy Ayoub, “Peace as a Legal Presumption in Islamic Law: Territoriality, Nationality, and the Promise of International Law,” *Islamic Law and Society*, October 3, 2025, 30, <https://doi.org/10.1163/15685195-bja10074>.

²⁰⁹ Point number 3 in verbatim: Matlak yang digunakan adalah yang di dasarkan pada *Wilayatul Hukmi* (Indonesia). Adapun dalil- dalil

²¹⁰ For Example, see Central Board of Muhammadiyah, “Maklumat Pimpinan Pusat Muhammadiyah Nomor 1/MLM/I.0/E/2024 tentang Penetapan Hasil Hisab Ramadan, Syawal, dan Zulhijah 1445 Hijriah,” Announcement, Yogyakarta, 2024.

²¹¹ I ask several authorities from Majelis Tarjih on the history of *wilāyat al-ḥukm* and its usage. However, it seems the questions are unknown for them.

horizons outside Indonesia. Muhammadiyah considers the *maṭla* ‘ of the KHGT to be unified global *maṭla* ‘ (horizon).²¹² This approach follows the dominant *jumhūr* position (Ḥanafī, Mālīkī, and Ḥanbalī), which does not consider differences in horizons for difference in determining the beginning of lunar months. However, according to the KHGT, the beginning and end of the day follow the International Date Line (IDL),²¹³ a statement that has been criticized and debated by other Islamic bodies.

In sum, over the past six decades Muhammadiyah has adopted several concepts regarding *ikhtilāf al-maṭālī* ‘. The first is regional concept²¹⁴ of *maṭla* ‘ in 1969 Muhammadiyah Eid al-Fitr announcement. The concept was to divide Indonesia into two possible dates. Then, the second is national concept of *maṭla* ‘ in 2003 Muhammadiyah fatwa, where it considers Indonesia as *wilāyat al-ḥukmī*, thereby adopting a single date for the entire Indonesian territory. The most recent concept of *maṭla* ‘ is the global one. The idea of KHGT is to unify the date at the global level, applying a single ruling despite different horizons, following International Date Line (IDL) mechanism.

What unique from Muhammadiyah’s approach compared to other Islamic bodies in this study is that Muhammadiyah does not emphasize the obligation to obey ruler or government. In many cases, Muhammadiyah’s decision and the Indonesian government’s on determining Ramadan and Shawwal are different.²¹⁵ However, according to 2003 fatwa, Muhammadiyah considers its authority as national territory based, following the logic of modern nation-state. Even though it uses astronomical calculation, the considered places for applying its criteria are limited within Indonesian territory, while the locations outside it are excluded from consideration.

²¹² Pimpinan Pusat Muhammadiyah, “Kalender Hijriah Global Tunggal (KHGT),” PT Gramasurya, 2025, 24–26 For online source, see khgt.muhammadiyah.or.id.

²¹³ The International Date Line (IDL) is the imaginary line extending between the South and North Poles that is the boundary between one calendar day and the next. It passes through the Pacific Ocean, roughly following the 180.0° line of longitude and deviating to pass around some territories and island groups.

²¹⁴ What I mean by regional is subnational.

²¹⁵ Hosen, “Hilal and Halal,” 8–12.

4.2.4 MUI's Fatwa

Fatwas from the Majelis Ulama Indonesia (MUI) related to *ikhtilāf al-maṭāli*²¹⁶ were issued in 1980, 2003, and 2004.²¹⁶ The 1980 fatwa states that, to promote Islamic brotherhood, the Indonesian Ulama Council (MUI) Fatwa Commission concluded that the determination of the beginning of Ramadan and the beginning of Shawwal/Eid al-Fitr should follow the majority (*jumhūr*) opinion. Accordingly, the moon sighting observed in one Muslim state (*negara Islam*) can be applied internationally (i.e., to other Muslim states). This would require the establishment of an institution with the status of an “International Qadi” to which all Muslim states adhere. Until such an institution is established, the decisions of each respective government must be followed.²¹⁷

According to the 1980 fatwa, unlike the determination of the beginning of Ramadan and Shawwal/Eid al-Fitr, the determination of the beginning of the month of Zulhijjah/Eid al-Adha has different approach. In this case, each state's (*negara*) *maṭla*²¹⁸ applies. On this issue, Muslim scholars are considered to have reached a consensus. Therefore, Indonesia is not permitted to follow another state's *maṭla*²¹⁸ in performing the Eid al-Adha prayer. However, the 1980 fatwa does not refer to any classical sources, making it difficult to trace the origin of its interpretation. If their source is same as NU 1999 fatwa where it refers to Ibn 'Ābidīn's *Radd al-Muḥtār* volume two page 393,²¹⁸ it means MUI 1980 fatwa interprets *balad* or *balda* as Indonesia or modern state.

In 2003 MUI fatwa, there are several sections. Section “B” of the 2003 fatwa on the determination of the beginning of Ramadan, Shawwal, and Dzulhijjah decides three points:

1. The determination of the beginning of Ramadan, Shawwal, and Dzu'l-hijja is based on the *ru'yah* and *ḥisāb* methods.
2. All Muslims in Indonesia are obliged to obey the Indonesian government's decision regarding the

²¹⁶ Majelis Ulama Indonesia, *Himpunan Fatwa Majelis Ulama Indonesia Sejak 1975*, 2:147, 5:1046-1048.

²¹⁷ Majelis Ulama Indonesia, *Himpunan Fatwa Majelis Ulama Indonesia Sejak 1975*, 2:147.

²¹⁸ See fn 196

determination of the beginning of Ramadan, Shawwal, and Dzu'l-hijja.

3. In determining the beginning of Ramadan, Shawwal, and Dzu'l-hijja, the Minister of Religious Affairs is obliged to consult with the Indonesian Ulama Council, Islamic mass organizations, and relevant bodies.

Point number 2 relates directly to the issue of *ikhtilāf al-maṭāli* ‘ “All Muslims in Indonesia are required to follow the Indonesian government in determining the beginning of the months of Ramadan, Shawwal, and Dzu'l-hijja. In practice, the government issues only one date for each decision.” This means that the easternmost parts of Indonesia must follow the same date as the westernmost regions, even though sunset in the west occurs approximately three hours earlier than in the east, and the regions are geographically separated by seas. Despite these differences, a single unified ruling is applied to all Indonesian territory.

Unlike the 1980 fatwa, the 2003 and 2004²¹⁹ fatwas cite several classical texts and legal maxim as their foundations. There are seven references. The first three relate to moon sighting and astronomical calculation, while the remaining four concern the obligation to obey the ruler:

1. The hadith “Do not fast till you see the new moon, and do not break your fast till you see it; but if the weather is cloudy, predict it.”
2. The hadith “Observe fast on sighting it (the new moon) and break it on sighting it. But if (due to clouds) the actual position of the month is concealed from you, you should then complete Shaban thirty (days).”
3. Quran, Surah Yunus [10]: 5 “It is He who made the sun a shining radiance and the moon a light, determining phases for it so that you might know the number of years and how to calculate time ...”²²⁰

²¹⁹ 2004 fatwa is finalized version of 2003 fatwa. Hereafter, I refer it as 2003/2004 MUI fatwa. See online source in Majelis Ulama Indonesia, “Fatwa Majelis Ulama Indonesia Nomor 2 Tahun 2004 Tentang Penetapan Awal Ramadhan, Syawal, dan Dzulhijjah,” Majelis Ulama Indonesia (Komisi Fatwa), 2004, <https://mui.or.id/baca/fatwa/penetapan-awal-ramadhan-syawal-dan-dzulhijjah>.

²²⁰ Abdel Haleem, *The Qur'an: A New Translation*, 172.

4. Quran, Surah An-Nisā' [4]: 59 "You who believe, obey God and the Messenger, and those in authority among you."²²¹
5. The hadith [*'alaykum bi-al-sam'i wa al-ṭā'ah wa in wulliya 'alaykum 'abdun ḥabashiyyun*] "Hear and obey even if an Abyssinian slave is in authority over you."
6. The fiqh principle or legal maxim: [*ḥukm al-ḥākim ilzām wa yarfa' al-khilāf*] "the decision by *al-ḥākim* (it is translated to "*pemerintah*" government) is decisive and erases the differences."
7. A citation from *Ḥāshiyat al-Sharwānī* [I will elaborate on following paragraphs].

The seventh point is direct citation to classical *fiqh* text in Arabic but not translated to Indonesian. Interestingly, the seventh reference appears to miss some words in the middle of the sentence. Moreover, the seventh point is not translated to Indonesian while point number one until six are translated. To compare the direct citation with the main text, I analyse them from several sources. For 2003/2004 fatwa, as found in the book "*Himpunan Fatwa Majelis Ulama Indonesia Sejak 1975*" (Fatwa Compilation of MUI since 1975) and two online documents "*Fatwa Majelis Ulama Indonesia Nomor (number) 2 Tahun (year) 2004*" and "*Keputusan Ijtima Ulama Komisi Fatwa Se-Indonesia Tahun 2003 ...*" (consensus decision of ulama commission fatwa on Indonesian national level, year 2003 ...) ²²² writes

وَمَحَلُّ الْخِلَافِ إِذَا لَمْ يَحْكَمْ بِهِ حَاكِمٌ، فَإِنْ حَكَمَ بِهِ حَاكِمٌ يَرَاهُ وَجِبَ الصَّوْمُ عَلَى الْكَافَّةِ وَلَمْ يُنْقَضِ
الْحُكْمُ إِجْمَاعًا. قَالَه النووي في مجموعته، وهو صريح في أن للقاضي أن يحكم يكون الليلة من رمضان.
(حاشية الشرواني، جزء ٣ ص ٣٧٦)

The point of disagreement only arises when *ḥākim* has not ruled on it. If *ḥākim* does rule on it, based on what he considers, then fasting becomes obligatory for everyone, and the ruling is not overturned according to consensus. This was stated by al-

²²¹ Abdel Haleem, *The Qur'an: A New Translation*, 100.

²²² Majelis Ulama Indonesia, *Himpunan Fatwa Majelis Ulama Indonesia Sejak 1975*, vol. 5/1048; Majelis Ulama Indonesia, "Keputusan Ijtima Ulama Komisi Fatwa Se-Indonesia Tahun 2003 Tentang Penetapan Awal Ramadhan, Syawal, Dan Dzulhijjah," 2003, <https://fatwamui.com/data-fatwa>; Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor 2 Tahun 2004."

Nawawī in his *al-Majmūʿ*, and it is clear that the *qāḍī* has the authority to rule that the night is part of Ramadan. (*Hāshiyat al-Sharwānī*, Volume 3, p. 376)

However, Al-Sharwānī (d. 1301/1884), in his work *Hāshiyat al-Sharwānī*, writes:

وَمَحَلُّ الْخِلَافِ فِي قَبُولِ الْوَاحِدِ إِذَا لَمْ يَحْكَمْ بِهِ حَاكِمٌ، فَإِنْ حَكَمَ بِهِ حَاكِمٌ يَرَاهُ وَجِبَ الصَّوْمُ عَلَى الْكَافَّةِ، وَلَمْ يُنْقَضِ الْحُكْمُ إِجْمَاعًا، قَالَهُ النَّوَوِيُّ فِي مَجْمُوعِهِ، وَهُوَ صَرِيحٌ فِي أَنَّ لِلْقَاضِي أَنْ يَحْكُمَ بِكَوْنِ اللَّيْلَةِ مِنْ رَمَضَانَ.

The point of disagreement **on the acceptance of a single testimony**, only arises when *ḥākim* has not ruled on it. If *ḥākim* does rule on it, based on what he considers, then fasting becomes obligatory for everyone, and the ruling is not overturned according to consensus. This was stated by al-Nawawī in his *al-Majmūʿ*, and it is clear that the *qāḍī* has the authority to rule that the night is part of Ramadan.

This version of the text is found in several sources, including two printed editions from different editors (*muḥaqqiqs*) and publishers,²²³ as well as in the Shamela application. When the sentence cited in the fatwa is compared with the original in the *fiqh* sources, three words are missing: *fī qabūl al-wāḥid* (regarding the acceptance of a single testimony). This change is significant because it redirects the discussion.

In *fiqh*, there is a specific discussion on whether a single testimony is sufficient to establish the beginning of Ramadan or whether two or more witnesses are required. This issue (*fī qabūl al-wāḥid*) is separate from *ikhtilāf al-maṭālīʿ*, which is another sub-topic within the broader subject of determining the beginning of Ramadan (*ithbāt Ramaḍān*). Although both sub-topics (*fī qabūl al-wāḥid* and *ikhtilāf al-maṭālīʿ*) belong to the wider topic (*ithbāt Ramaḍān*), they address different *fiqh* questions. Moreover, the change in citation results in a wider scope of authority for the *ḥākim*. In *Hāshiyat al-Sharwānī*, the discussion is limited to the

²²³ al-ʿAbbādī and al-Sharwānī, *Hawāshī Al-Shirwānī Wa-Ibn Qāsim al-ʿAbbādī ʿalā Tuḥfat al-Muḥtāj Fī Sharḥ al-Minhāj* (Dār Iḥyāʾ al-Turāth al-ʿArabī, n.d.), vol. 3/448; al-ʿAbbādī and al-Sharwānī, *Hawāshī Al-Shirwānī Wa al-ʿAbbādī ʿalā Tuḥfat al-Muḥtāj Fī Sharḥ al-Minhāj* (Dār al-Ḥadīth, 2016), vol. 4/308.

sub-topic of accepting a single testimony. On the other hand, in the MUI fatwa and considering its title, the discussion is effectively extended to the general issue of determining Ramadan, Shawwal, and Dhu'l-Hijja, which is broader than accepting a single testimony. Moreover, in this context, the *ḥākim* is understood to refer to the government of Indonesia.

The 2004 fatwa can be seen as a finalized version of the 2003 fatwa.²²⁴ Both share similar methodology and conclusions. However, the 2004 fatwa explicitly states the motivation behind its issuance: in some instances, the Islamic months mentioned above do not begin on the same day and date, which may lead to negative consequences for symbol or dignity (*syi'ar*) and Islamic da'wah. Furthermore, the 2004 fatwa adds that the decision of the government *c.q.* the Minister of Religious Affairs applies nationally, and that moon sighting observations from outside Indonesia that share the same *maṭla'* may be used as guidance for the Minister.²²⁵

In sum, the MUI 2003/2004 fatwa did not discuss about *ikhtilāf al-maṭāli'* but strongly emphasizes the obligation to obey the government in determining the beginning of Ramadan, Shawwal, and Dzu'l-hijja. Accordingly, as stated by MUI, Muslims in Indonesia are expected to adhere to a unified decision issued by the government. While MUI 1980 fatwa engages with *ikhtilāf al-maṭāli'*, the concept is similar to NU where Muslims should follow every respective government decision and every state has its own decision.

4.3 Saudi Arabia

4.3.1 al-Lajnah al-Dā'imah in Brief

al-Lajnah al-Dā'imah li-l-Buḥūth al-'Ilmiyyah wa-l-Iftā' (hereafter, al-Lajnah al-Dā'imah or al-Lajnah) or Permanent Committee for Scholarly Research and Legal Opinions (hereafter, CRLO)²²⁶ has had a long and complex history since 1953. The institution has undergone restructuring, name changes, and increase in number of memberships. However, its fatwas have remained influential both domestically and internationally. One of its most prominent figures was the former

²²⁴ I refer it as 2003/2004 MUI fatwa

²²⁵ Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor 2 Tahun 2004."

²²⁶ I will use the terms "al-Lajnah al-Dā'imah" and "CRLO" interchangeably

Grand Mufti, Shaykh ‘Abd al-‘Azīz Ibn Bāz (d. 1420/1999), who was among the most influential scholars in the Muslim world. Furthermore, many fatwas related to *ikhtilāf al-maṭāli* ‘ were issued by committees led by Ibn Bāz.²²⁷

Today, as explained on its official website, al-Lajna al-Dā’ima operates under the Board of Senior Ulama (BSU, Hay’at Kibār al-‘Ulamā’), whose members are selected by the king’s decree from among the Council’s members. Its primary task is to issue fatwas on individual matters by responding to questions concerning beliefs, acts of worship, and personal transactions. The Board of Senior Scholars also aims to provide opinions on issues referred to it by the ruler, formulating legally sound judgments based on Sharia evidence, and to make recommendations on religious matters that help establish general rulings for the ruler’s guidance, based on systematic research conducted in accordance with its governing regulations. Moreover, the Board of Senior Scholars is part of the General Presidency of Scholarly Research and Ifta (al-Ri’āṣah al-‘Āmmah lil-Buḥūth al-‘Ilmiyya wa al-Iftā’), which is a government institution responsible for clarifying Sharia rulings and issuing fatwas derived from the Quran and the Prophetic Sunnah.²²⁸

4.3.2 al-Lajna al-Dā’ima’s Fatwa

When Indonesian bodies discuss the topic, they focus on the Indonesian context. However, al-Lajna al-Dā’ima receives questions from around the world, including West Africa, England, the United States of America, Canada, France, Egypt, India, and Mayotte. Some of these questions are directly related to the topic of *ikhtilāf al-maṭāli* ‘, while others are indirectly related. In my survey, I found around 23 fatwas related to this topic.²²⁹ From these CRLO fatwas, I draw four main conclusions. First, the way the *mustafī*²³⁰ asks the questions. Second, the

²²⁷ Muhammad K. Al-Atawneh, *Wahhābī Islam Facing the Challenges of Modernity: Dār al-Iftā in the Modern Saudi State*, Studies in Islamic Law and Society 32 (Brill, 2010), xiv–xv; Dominik Krell, *Islamic Law in Saudi Arabia* (BRILL, 2025), 8, <https://doi.org/10.1163/9789004726314>.

²²⁸ See alifta.gov.sa (accessed April 2026)

²²⁹ Fatwas no. 206, 10973, 313, 319, 388, 3686, 1657, 6486, 1116, 7882, 2665, 1138, 1330, 2266, 3594, 5084, 1125, 10849, 2623 in al-Duwaysh, *Fatāwā Al-Lajna al-Dā’ima*, vol. 10; Fatwas no. 20400, 21800, 15626, 21820 in al-Duwaysh, *Fatāwā Al-Lajna (al-Majmū’a al-Thāniya)*, vol. 9.

²³⁰ *Mustafī* is the one who asks the question to mufti. For more detailed discussion on fatwa and *iftā* ‘, see Muhammad Khalid Masud et al., eds., *Islamic Legal Interpretation: Muftis and Their Fatwas* (Harvard university press, 1996); Skovgaard-Petersen, *Defining Islam for the Egyptian State*; Wael B. Hallaq, *From Fatwās To Furū: Growth and Change in Islamic Substantive Law*, January 1, 1994, <https://doi.org/10.1163/156851994X00147>.

repeated main answers. Third, the significant appearance of the term *dawlah*. Fourth, the emphasis on maintaining unity and avoiding fragmentation.

The first point to emphasize is how the *mustaftī* frames the question. It is very common for questions to refer to modern nation-states. For example, in Fatwa No. 2665, the question concerns a person who begins Ramadan in Kuwait and then returns to Saudi Arabia, where the start and end of Ramadan differ.²³¹ The question asks what the ruling is in this situation. Both Kuwait and Saudi Arabia are modern states and they neighbouring countries. To travel between Kuwait to Saudi around their borders could be shorter than traveling from Mecca to Medina. Another example, Fatwa no. 21825 where the *mustaftī* is from Mayotte in Comoros²³² asking on fasting on different day from Mecca however, in last line of the question, *mustaftī* tells that “Our island share same *matla*’ with Saudi Arabia.”²³³ It is important to note that Saudi is one of the largest states by its lands. Therefore, it has several different horizons then to say “have same horizon with Saudi” is to say some of its horizons.

From the way *mustaftī* asks, it shows that one crucial aspect in premodern *fiqh* discussion on *ikhtilāf al-maṭāli*’, is currently marginalized, the distance. Questions rarely address a long journey within a single state over far distance or between two states over short distance. Distance itself is generally not considered in modern discussions, from both *mustaftī* and mufti. Therefore, Fatwa no. 6486 is important since it ask rare question about far distance in one state. The *mustaftī* asks whether a distant village (*qaryah*) should follow the moon sighting of the capital city. Then, the fatwa states that if the moon is sighted in the capital they should fast together with the Muslims.²³⁴ Furthermore, the aforementioned Fatwa no. 6486 shows clear transformation of *ikhtilāf al-maṭāli*’ debate. As Chapter Two shows, the distance is central deciding point on the topic however CRLO Fatwa no. 6486 completely disregards the distance while focusing on fasting together with Muslims [in the capital city]. Moreover, in other fatwas, locations are frequently framed in

²³¹ al-Duwaysh, *Fatāwā Al-Lajna al-Dā’ima*, 10:123–25.

²³² In fact, Mayotte is part of French state while Comoros is archipelagic independent country beside Mayotte

²³³ al-Duwaysh, *Fatāwā Al-Lajna (al-Majmū’a al-Thāniya)*, 9:21–22.

²³⁴ al-Duwaysh, *Fatāwā Al-Lajna al-Dā’ima*, 10:115–16.

terms of modern nation-states. This pattern shows how familiar both the *mustaftī* and the mufti are with the concept of the modern state.

The second main conclusion is the repeated main answer. Since several questions address the similar issues in different contexts, al-Lajna al-Dā'ima provides a general statement response across these cases. I consider this response to represent the Council's position on *ikhṭilāf al-maṭāli*²³⁵ and name it as CRLO's "repeated main answer". Furthermore, Fatwa No. 313 is the first time in which this main answer appears. However, at that Fatwa, it is presented in the form of an answer rather than as a formalized statement, which later appears more explicitly in Fatwa No. 3686²³⁵

The ruling was issued on this matter by the Board of Senior Ulama (BSU) in the Kingdom of Saudi Arabia, the main points are as follow:

First: The difference in the sighting of the new moon is a matter known by necessity, both through observation and reason, and no scholar has disagreed on this point. Rather, the disagreement among Muslim scholars lies in whether or not to consider this difference in sightings.

Second: The issue of considering or disregarding this difference in sightings is a theoretical matter (*al-masā'il al-naẓariyyah*) open to interpretation.

...

Scholars have differed on this issue, choosing between two opinions: some consider the difference in horizons, while others disregard it.

...

This is because of different understandings of the text and each side's approach on interpreting it. Given the considerations and capabilities of BSU, and considering that the disagreement on this matter has no potentially serious consequences—especially last fourteen centuries have passed since the advent of Islam, and we know of no period in which the Muslim community was unified on a single sighting of the new moon—the members of the BSU believe that the matter should remain as it is. And not to raise any issue, and then, each

²³⁵ al-Duwaysh, *Fatāwā Al-Lajna al-Dā'ima*, 10:102–4.

Muslim state (*dawlah Islāmīyah*) should have the right to choose, through its scholars, what it deems appropriate from the two opinions mentioned in the matter, as each has its evidence and supporting documents.

Third: The Council considered the issue of determining the new moon by astronomical calculation (*ḥisāb*),

...

The statement of repeated main answer contains three main points, with the second point further divided into several sub-points. The first point emphasizes that *ikhtilāf al-maṭāli* ' is a natural phenomenon, as the positions of the sun and the moon vary across time and places. The third point addresses the debate between moon sighting and *ḥisāb*, in which al-Lajna al-Dā'ima considers *ḥisāb* to be an invalid method for determining the beginning of Ramadan. For the second point, al-Lajna al-Dā'ima states that there are two recognized positions in the debate on *ikhtilāf al-maṭāli* ', and that both opinions are valid. Each Muslim state therefore has the authority to choose between these positions.

It is important to note that, as shown in Chapter Two, the doctrine of *ikhtilāf al-maṭāli* ' is relatively stable throughout history. However, CRLO-BSU has novel approach to the topic. al-Lajna al-Dā'ima states that throughout history, Muslims have never fasted based on a single, unified global moon sighting. On this basis, the CRLO-BSU chooses to leave the matter as it is. The previous statement shows new approach in legal reasoning on the topic. Rather than following and preferencing previous scholars' opinions, CRLO-BSU refers to premodern Muslim societies practice as the reasoning and circumvents from discussing the issue from a normative legal perspective. Moreover, in its main repeated answer, the CRLO-BSU does not prefer neither two opinions over another regarding *ikhtilāf al-maṭāli* ', but instead leaves the decision to every state. Therefore, I see CRLO-BSU statement emphasizes modern state's authority.

The third main conclusion is that the term *dawla* appears frequently in these fatwas.²³⁶ For example, Fatwa no. 2266 where the *mustafī* asks he was traveling

²³⁶ Fatwas no. 313, 388, 3686, 1657, 2266, 1125, and 2623 in al-Duwaysh, *Fatāwā Al-Lajna al-Dā'ima*, vol. 10.

from Sudan to neighbouring countries and their start of Ramadan differ then what is the ruling. The fatwa answers that “your” ruling is the ruling of *balad* where you travel to it. Then, Fatwa no. 2266 also mentions *dawlah* interchangeably with *balad*. This is significant because the term *dawlah* is rarely mentioned by premodern Muslim jurists in their books,²³⁷ especially in discussions of *ikhtilāf al-maṭāli‘*. As listed in Chapter Two of this thesis, classical jurists used terms such as *balad*, *quṭr*, *miṣr*, and *makān* interchangeably. However, the term *dawla* is absent from classical discussions of this topic. In addition, not only does the term *dawla* appear, but also the related expressions, such as the names of modern nation-states. Even terms like *balad*, *bilād*, or *balda* in these fatwas²³⁸ often function with same meaning to *dawlah*, referring effectively to a state. The term also appears in the main answer. Therefore, these modern fatwas show a shift from classical discussion toward a more modern, state-centered view of the world.

The fourth main conclusion concerns the rationale for why Muslims should begin fasting in accordance with the decision of the state. The reason is to prevent fragmentation, avoid chaos, and maintain unity. This opinion is supported by citing the *fiqh* principle or legal maxim “*ḥukm al-ḥākim yarfa‘ al-khilāf*” and the hadith “The fast is the day the people fast, the breaking of the fast is the day the people break their fast, and the sacrifice is the day the people sacrifice.”²³⁹ Interestingly, this approach is also applied in non-Muslim countries. In Fatwa No. 1657, after presenting the repeated main answer, al-Lajna al-Dā’ima advises that a Muslim students’ union should assume same role as a government in a Muslim state. It should choose between the two valid opinions and disseminate its decision among Muslims in the state (*dawlah*).²⁴⁰ This reflects a distinctly national framing of classical texts. Unity is understood as national unity, the *ḥākim* is interpreted as a state authority (or its functional equivalent), and the community is conceived as a national community.

²³⁷ *Al-Mawsū‘a al-Fiqhiyya al-Kuwaytiyya*, vol. 21 (Wizārat al-Awqāf wa-l-Shu‘ūn al-Islāmiyya), under “Dawlah.”

²³⁸ Fatwas no. 10973, 319, 1116, 2665, 3594 in al-Duwaysh, *Fatāwā Al-Lajna al-Dā’ima*, vol. 10. Fatwas no. 20400 and 21800 in al-Duwaysh, *Fatāwā Al-Lajna (al-Majmū‘a al-Thāniya)*, vol. 9.

²³⁹ al-Duwaysh, *Fatāwā Al-Lajna (al-Majmū‘a al-Thāniya)*, 9:15-18 fatwa no. 21800.

²⁴⁰ al-Duwaysh, *Fatāwā Al-Lajna al-Dā’ima*, 10:109-12.

In sum, according to al-Lajnah al-Dā'imah or CRLO, every modern state should have its own moon sighting. However, CRLO does not prefer one opinion over the other but emphasizes the state authority's right to choose between the opinions, as well as the obligation to obey the ruler and fast with [the Muslims of] the state.

4.4 Egypt

4.4.1 Dār al-'Iftā' al-Miṣriyya in Brief

Dār al-'Iftā' al-Miṣriyyah or Egyptian Fatwa Office (hereafter, EFO) was established in 1895 and is considered the leading Islamic advisory body in modern Egypt, issuing hundreds of fatwas each year.²⁴¹ As described on its official website, Dār al-'Iftā' al-Miṣriyyah is a non-profit governmental organization that operates with a degree of independence at the national level, providing practical religious guidance to Muslims.²⁴² Moreover, the head of the institution is the Egyptian Grand Mufti (*Muftī al-Diyār al-Miṣriyya*), who is appointed by the President of the state.

In addition to issuing fatwas, the institution is involved in various religious matters, including determining the beginning of new Islamic months. Furthermore, Dār al-'Iftā' is considered second only to al-Azhar as an authoritative voice of Islam in Egypt. Both are highly influential institutions in the Muslim world.

4.4.2 Dār al-'Iftā''s Fatwa

Dār al-'Iftā' has received several questions from around the world—such as Mozambique, the Philippines, South Africa, and the USA—related directly or indirectly to the topic of *ikhtilāf al-maṭālī*. In my survey, I identified around 13 relevant fatwas,²⁴³ ranging from the era of Ḥasan Ma'mūn (d. 1383/1964) to 'Alī Jum'a's (b. 1371/1952).²⁴⁴ From these, I draw four main conclusions regarding Dār al-'Iftā''s fatwas: first, the way *mustaftīs* ask their questions; second, the main

²⁴¹ For more detailed discussion on Dār al-'Iftā', see Skovgaard-Petersen, *Defining Islam for the Egyptian State*.

²⁴² See dar-alifta.org

²⁴³ Fatwas No. 72 – entry 78 (1956), No. 425 – entry 94 (1963), No. 261 – entry 105 (1979), No. 1 – entry 133 (1993), No. 825 (1997), No. 1363 (1997), No. 686 (2003), No. 1639 (2002/2003), No. 1576 (2002), No. 1458 (2002), No. 75 (2006), No. 65 (2004), No. 1204 (2007). See in Dār al-'Iftā', *Al-Fatāwā al-Islāmiyya*, vols. 1–34; Dār al-'Iftā', *Al-Fatāwā al-Islāmiyya*, vol. 39.

²⁴⁴ Dār al-'Iftā', *Al-Fatāwā al-Islāmiyya*, vols. 1–34; Dār al-'Iftā', *Al-Fatāwā al-Islāmiyya*, vol. 39.

repeated answer; third, the preferred opinion; and fourth, the term of *balad* as a modern state.

The first point is similar to al-Lajna al-Dā'ima's, the way *mustaftīs* ask their questions. It is common for questions to reference the modern state when describing location, as seen in Fatwa no. 425 – entry 94 (1963)²⁴⁵ and Fatwa no. 1576 (2002),²⁴⁶ where phrases such as “we Muslims in the USA” or “we Muslims in the Philippines” are used. This implicitly suggests that each state should have a one ruling for beginning and ending fasting on the same date. While some questions address following others' moon sightings, this typically refers to neighbouring or other states. This point highlights how familiar people of this era are with the concept of the modern nation-state.

Second, Dār al-'Iftā' provides a repeated main answer that differs from that of al-Lajna al-Dā'ima. This answer is primarily concerned with the methods of determining the beginning of a new Islamic month. In Fatwa no. 65 (2004), the following statement is presented as a principle of Dār al-'Iftā' before listing the question:

The first day of Shawwal begins when one of three conditions is met:

- A. The new moon of Shawwal is sighted.
- B. If the new moon is not sighted on the 29th of Ramadan, then Ramadan is completed as a 30-day month.
- C. If reliable astronomers confirm that the new moon of Shawwal is born on the 29th of Ramadan and remains above the horizon after sunset for a sufficient duration to be visible, then astronomical calculations are followed, and the beginning of Shawwal is established accordingly.²⁴⁷

The statement is repeatedly used by the *muftīs* when answering questions related to the new moon. Although it does not directly address *ikhtilāf al-maṭāli*, it

²⁴⁵ Dār al-'Iftā', *Al-Fatāwā al-Islāmiyya*, vols. 1–34, vol. 03\197-201.

²⁴⁶ Dār al-'Iftā', *Al-Fatāwā al-Islāmiyya*, vols. 1–34, vol. 26/194-195.

²⁴⁷ Dār al-'Iftā', *Al-Fatāwā al-Islāmiyya*, vols. 1–34, vol. 29/90-92.

significantly influences the decisions of Dār al-ʿIftāʾ and is closely connected to the third conclusion.

The third conclusion concerns Dār al-ʿIftāʾ’s preferred (*al-rājiḥ*) opinion regarding *ikhtilāf al-maṭāliʿ*. Unlike al-Lajna al-Dāʾima, which leaves the choice of whether to consider or disregard *ikhtilāf al-maṭāliʿ* to governments or Islamic centers, Dār al-ʿIftāʾ adopts a clear preferred position: disregarding *ikhtilāf al-maṭāliʿ* (*lā iʿtibār bi-ikhtilāf al-maṭāliʿ*) which is major opinion is of Sunni schools, as shown in Chapter Two. Most of Dār al-ʿIftāʾ’s muftis adhere to this opinion, with the exception of Ṭanṭāwī (d. 1431/2010). In Fatwa no. 1 – entry 133 (1993), after presenting the minor view, before 1998, that each *balad* should rely on its own moon sighting with hadith Kurayb as its reasoning, Ṭanṭāwī considers this opinion to be more preferred (*arjaḥ*), as it better accommodates the conditions of each Muslim state (*quṭr*).²⁴⁸ However, before 1998, the majority of muftis maintain *lā iʿtibār bi-ikhtilāf al-maṭāliʿ* as the *rājiḥ* opinion.²⁴⁹ After 1998, the terms *al-rājiḥ* and *arjaḥ* are rarely mentioned in fatwas on the topic. Furthermore, a close reading of the fatwas indicates that, in practice, Dār al-ʿIftāʾ does not uncritically accept the moon sightings of other states. Most rejected sightings are dismissed based on point “C” of the repeated main answer—namely, astronomical calculation (*ḥisāb*). For example, in Fatwa no. 261 (entry 105), Jād al-Ḥaqq (d. 1416/1996) explains why Dār al-ʿIftāʾ did not accept Yemen’s moon sighting when determining the beginning of Ramadan in 1399 AH. The given reason is that, according to the Meteorological Institute in Helwan, it was astronomically impossible to sight the new moon on that date, considering the reported sighting as doubtful (*tuhma*). Moreover, the most recent example from Ramadan 1447/2026, several states such as Saudi, UAE, Qatar, decide that 18th February is the first day of Ramadan. However, EFO announced that 19th will be the first day of Ramadan.²⁵⁰ Therefore, in practice, Dār al-ʿIftāʾ limits its reliance on other states’ sightings and places greater emphasis on its own verified observations in its state.

²⁴⁸ Dār al-ʿIftāʾ, *Al-Fatāwā al-Islāmiyya*, vol. 39, vol. 03/267-269.

²⁴⁹ Fatwas no. 72 – entry 78 (1956), no. 425 – entry 94 (1963), no. 261 – entry 105 (1979), no. 825 (1997) in Dār al-ʿIftāʾ, *Al-Fatāwā al-Islāmiyya*, vols. 1–34.

²⁵⁰ See www.aljazeera.com/news/2026/2/18/palestinians-in-gaza-face-food-shortages-restrictions-as-ramadan-begins (Accessed July 23, 2026)

The fourth conclusion is that the term *balad* is effectively understood as a modern state.²⁵¹ For example, in Fatwa no. 1 – entry 133 (1993), although Ṭanṭāwī prefers the opinion that each *balad* should rely on its own moon sighting, he concludes the fatwa by stating that every state (*dawla*) has its own choice.²⁵² Moreover, in Fatwa no. 825 (1997), a question addresses disagreement within a single *balad* (*al-balad al-wāḥid*). In response, Naṣr Farīd Wāṣil (b. 1355/1937) states that what occurred in Greece (*al-Yūnān*)—namely, division among Muslims—is incorrect. He explains that unity among Muslims within one *balad* is a matter of consensus in observing the fast of Ramadan, as well as in other acts of worship that are not subject to individual variation.²⁵³ Here, the mufti considers Greece as one *balad*. Furthermore, in Fatwa no. 1458 (2002), it is stated as a principle that anyone residing in a *balad* where the new moon of Ramadan is not sighted should follow the sighting of the nearest Islamic *balad*, whether it is Saudi Arabia or another Muslim country (*bilād*).²⁵⁴ In these examples, both Saudi Arabia and Greece—clearly modern nation-states—are referred to as *balad*, indicating that the term is used in practice to denote the modern state.

In sum, Dār al-ʿIftāʾ or EFO’s positions are dynamic, depending on its in-office mufti. Moreover, most fatwas refer to major opinion in Sunni schools as preferred one. However, in practice, EFO has its own criteria to accepted other state’s moon sighting and prefers the observation in its own territory. Additionally, Comparison between fatwas before and after 1998 shows the shift in preferred opinion, according to EFO. Furthermore, EFO emphasizes the authority of state to decide Islamic month and considers modern state as *balad*.

Before concluding this Chapter Three, I emphasize that many other Muslim and Muslim-minority states follow the aforementioned pattern and they adopt minor opinion of *ikhtilāf al-maṭāliʿ*. The Islamic authorities in several states rely on local (national) moon sighting or astronomical calculation, and then the ruling

²⁵¹ Dār al-ʿIftāʾ, *Al-Fatāwā al-Islāmiyya*, 1–34: Fatwas no. 1 – entry 133 (1993), no. 825 (1997), 1363 (1997), 1458 (2002), 75 (2006), 65 (2004), 1204 (2007) in; Dār al-ʿIftāʾ, *Al-Fatāwā al-Islāmiyya*, vol. 39.

²⁵² Dār al-ʿIftāʾ, *Al-Fatāwā al-Islāmiyya*, vols. 1–34, vol. 03/269.

²⁵³ Dār al-ʿIftāʾ, *Al-Fatāwā al-Islāmiyya*, vols. 1–34, vol. 24/261–268.

²⁵⁴ Dār al-ʿIftāʾ, *Al-Fatāwā al-Islāmiyya*, vols. 1–34, vol. 26/199.

applies to all Muslims in the national territory, disregarding the distance. According to my survey, several countries that rely on local (national) moon sighting are Morocco, Qatar, Malaysia, Brunei, New Zealand (Federation of Islamic Associations of New Zealand, FIANZ), Fiji (Fiji Muslim League, FML), and other states that rely on local astronomical calculation are Singapore (Majlis Ugama Islam Singapura, MUIS) and Australia (Australian National Imams Council, ANIC).²⁵⁵ Therefore, the common news on determining Ramadan is based on a nation-states frame. Moreover, most of the Islamic authorities adopt to minor opinion of the Sunni schools. As mentioned in Chapter Two, the major opinion on *ikhtilāf al-maṭāli* ‘ is one valid moon sighting applies to all despite difference in horizons and the minor one is that the ruling of moon sighting could differ based on different horizons. Hence, the minor opinion is preferable for them regardless of their commitment to certain Islamic jurisprudence schools. However, the modern implementation of minor opinion on *ikhtilāf al-maṭāli* ‘ is applied with several modifications as shown in this Chapter Three.

4.5 Conclusion

This chapter examines relevant fatwas and documents on *ikhtilāf al-maṭāli* ‘ from Muhammadiyah, Nahdlatul Ulama (NU), Majelis Ulama Indonesia (MUI), al-Lajnah al-Dā’imah (Permanent Committee for Scholarly Research and Legal Opinions, CRLO), and Dār al-’Iftā al-Miṣriyyah (Egyptian Fatwa Office, EFO). The aim of this chapter is to examine how the concept of *ikhtilāf al-maṭāli* ‘ has been practiced in the modern world, especially in the late twentieth and early twenty-first centuries CE. I analyse Muslim states, namely Indonesia, Saudi Arabia, and Egypt as case studies.

I conclude that during a certain period, all Islamic bodies in this study agree that every state should have one decision on determining the Islamic months, especially Ramadan, Shawwal, and Dhu’l-Hijja. Even though in the case of Muhammadiyah, it did not follow the official government’s decision but still Muhammadiyah’s decisions still considered Indonesia as one single *maṭla* ‘ that

²⁵⁵ The criteria and decisions of determining Ramadan from the aforementioned institutions can be found on their respective official websites, social media, and news platforms.

should have one decision. Next, I conclude that all Islamic authorities in this study emphasizes the obligation to obey the [national] ruler, leader, or authority in determining Ramadan except Muhammadiyah. However, it is important to note that even though most bodies emphasize obedience to the ruler, it is not absolute since NU, CRLO, and EFO consider moon sighting is the valid method and that it could not be replaced by calculation. The exception is MUI who emphasizes more on it and considers both methods are valid. Additionally, from the way mustaftī asks and mufti answers, it shows that the concept of nation-state is familiar for both sides. Moreover, the nation-state is frequently framed as *balad*, *bilād* and they are mentioned interchangeably with *dawlah* and nation-state.²⁵⁶

Furthermore, I conclude that in term of reform, Muhammadiyah is the most dynamic on the topic. It has had three concepts of *ikhtilāf al-maṭāli* ‘ in last six decades. The first is regional subnational *maṭla* ‘, written in the 1969 Muhammadiyah Eid al-Fitr announcement. The second is national *maṭla* ‘, from 2003 Muhammadiyah fatwa. The third and most recent is disregarding different horizons which is the major opinion in Sunni schools, as shown in *KHGT*.²⁵⁷

I already show how modern Muslim scholars engages with the classical *fiqh* texts and today reality. Furthermore, the previous paragraphs describe how *ikhtilāf al-maṭāli* ‘ has been practiced for last six decades. Then the next questions are: why the doctrine of *ikhtilāf al-maṭāli* ‘, which has remained relatively stable throughout history, then been significantly transformed a during certain period? Given its very young age compared to human history, why is the concept of modern nation-state deemed universal? Why do these Islamic organizations which have high number of disagreements among them on several issues, agreed on the concept of national territory for *ikhtilāf al-maṭāli* ‘? In the next chapter I will examine what happened in the modern period that separates it from other periods to answer the aforementioned questions.

²⁵⁶ See fn 197, 236-199, 251-214.

²⁵⁷ See Muhammadiyah’s Fatwa

CHAPTER 4

MODERNIZATION AND NATIONALIZATION

4.1 Introduction

This chapter is the analytical part of the thesis. Here, I examine why and how the concept of *ikhtilāf al-maṭāli* ‘ has transformed from its premodern *fiqhī* doctrine to modern implementation in the practice. As shown in Chapter Two, the premodern debate on *ikhtilāf al-maṭāli* ‘ has several opinions where the distance is crucial in the discussion. However, in Chapter Three, the distance is marginalized while the concept of modern state becomes crucial in deciding point of *ikhtilāf al-maṭāli* ‘.

To understand this transformation, it is necessary to examine the developments that emerged in the modern period but were absent in the premodern period, with particular attention to relevant aspects of *ikhtilāf al-maṭāli* ‘. I will first define the modern nation-state and distinguish it from premodern political units. Then, there are three elements in modern nation-state that relevant to discussion of *ikhtilāf al-maṭāli* ‘, namely, border of modern statehood, spread of nationalism, and internalization of modern ideas. Moreover, I will explain the paradox of technology where it limits and delimits simultaneously the modern practice of *ikhtilāf al-maṭāli* ‘. Then, to answer “how” the transformation happens, I examine modern Muslim scholars’ reinterpretations of classical discourse.

4.2 What is Modern Nation-State

As shown in Chapter Three, modern fatwas consider *balad* and modern state as interchangeable. To compare modern nation-state with *balad*, I explain some fundamental principles of modern nation-state that relevant to explain the transformation of *ikhtilāf al-maṭāli* ‘. I consider there are three principles that heavily influenced the concept of *ikhtilāf al-maṭāli* ‘ namely, territorial sovereign statehood, imagined community, and internalization. The first focuses on modern statehood and its border while the second engages with nation and nationalism then the third considers art of government that internalizes modern ideology. In the following paragraphs, I examine the three aforementioned principles. For territorial sovereign statehood, I engage mainly with Branch's analysis of the cartographic

state, while the concept of imagined community draws on Anderson's work. Moreover, I draw on Foucault's analysis of governmentality

4.2.1 Universalization of Border

Saudi Arabia, Egypt, Indonesia, are three of many modern nation-states in the world. What are the unique features that distinguish modern state as political unit from its premodern form? In today's world, all political units are sovereign territorial states, defined by linear borders and with theoretically exclusive claims to authority within those lines.²⁵⁸ There are three important points in the aforementioned definition of modern political unit, according to Jordan Branch. The first is its territory and sovereignty. It means modern state should have defined territory and supreme authority in its territory, free from external intervention. Moreover, the second point is that all modern states territory today, is defined by linear border and it should be familiar for us who live in the era with maps showing national and subnational borders. The third point is exclusive authority where there is only one locus of authority over the particular persons, territories, or issue jurisdictions in question. Furthermore, the practice of exclusively linear territorial states, is completely unique to modern era. Additionally, it is also universal in modern era, since all modern states are exclusively linear territorial states. The reason is the centrality of modern cartography among political actors and common people, that could divide spaces in very precise manner which was previously impossible. According to Branch, the one of the earliest political claims based on line in the map, is in "Article II of the 1815 General Treaty of the Congress of Vienna."²⁵⁹

For comparison, the premodern polities are different in their territoriality, spatial unit, and exclusiveness. Historically, linear border-based polity before modern era was impossible since it lacks modern technology for cartography. In past, political units are based either on territory or non-territory. If it is based on territory then the most common form is based on authority radiating outward from a center of control. Rulers in many premodern polities defined their realms as a

²⁵⁸ Branch, *The Cartographic State*, 1–2.

²⁵⁹ Branch, *The Cartographic State*, 5; Fred L. Israel, ed., *Major Peace Treaties of Modern History, 1648-1967*, vol. 1 (Chelsea House Publishers, 1967), 520.

center of strong control that faded toward the peripheries.²⁶⁰ Moreover, Overlapping or non-exclusive authority exists when the same subject or target of authority has more than one ruler. Historically, non-exclusive authority has existed in many forms, in contrast with modern era where non-exclusive or overlapping authority is considered as exceptional. However, in modern period and spread of maps, forms of authority not depicted in maps were undermined and eventually eliminated, while map-based authority claims became hegemonic.²⁶¹ In short, premodern political units tended to be diverse and overlapping, whereas modern political units are more uniform and standardized.

In the concept of modern sovereign state, there are internal sovereignty (authority of its own territory) and external sovereignty (recognizing other sovereignties).²⁶² Therefore, to be recognized by other states means to not intervene what is within other states territory. In other word, to be sovereign, one state must recognize other sovereignty. It is important to emphasize that the modern state territories are not based on geographical, natural, or astronomical phenomena. It is also not based on *fiqh* classification on *ikhtilāf al-maṭāli* 'topic such as shortening prayer distance, 24 *farsakh*, or one month traveling distance. Hence, to say every national territory has its own beginning and end of Ramadan is the practice that differ from classical theory in *fiqh* books.

Recall the definition of *balad* in Chapter Two, general *balad* is a place where residential buildings are gathered.²⁶³ Therefore, general *balad* is not a political unit but a spatial one with physical features on it. Moreover, there is limited authority based on *balad* which is *ḥākim* and *qāḍī*. Comparing premodern political units with limited authority *balad*, it shows that *qāḍī* authority is territory-based center-focused non-exclusive, hence the (limited authority or general) *balad* is different from modern political units.

These aforementioned concepts of defined linear border territory and exclusive authority within the territory, infiltrated to the practice of determining

²⁶⁰ Branch, *The Cartographic State*, 20–21; Hallaq, *The Impossible State*.

²⁶¹ Branch, *The Cartographic State*, 6.

²⁶² Branch, *The Cartographic State*, 19.

²⁶³ See fn 165

Ramadan. Therefore, most Muslim states and institutions decide the Ramadhan based on horizons within their territory and the rulings only apply within in it. In modern period, especially in late 20th and early 21st CE, most modern states and institutions choose the minor opinion in Sunni *fiqh* schools (Shāfi'ī opinion) on *ikhtilāf al-maṭāli* ' which is *i'tibār ikhtilāf al-maṭāli* ', explicitly or implicitly. What is practiced today is not only minor opinion in Sunni schools but also minor opinion in every Islamic jurisprudence school that every *balad* has its own ruling and moon sighting. As shown in Chapter Three, many modern fatwas refer to *balad*, *dawlah*, and modern state interchangeably. Therefore, they could not adopt completely the minor opinion (*balad*) without modifying it. The modern practice of *ikhtilāf al-maṭāli* ' which is based on linear border territory (modern state), could divide one *balad* into two rulings [if the *balad* around nation's borders]. The concepts of linear border territory and exclusive authority also explain today practice of *ikhtilāf al-maṭāli* ' from authority perspective. When most of Islamic bodies in this study emphasize the obedience to the ruler, then the ruler (exclusive) authority is based on linear border territory. Therefore, in today practice, every modern state has its own ruling regarding new moon.

However, the aforementioned concepts could not explain why the ruler and modern Muslim scholars did not follow the classical doctrine of *ikhtilāf al-maṭāli* ' and divide their territory, based on Muslim jurists' classification such as shortening prayer distance, different horizons, or 24 *farsakh*. Moreover, the previous concepts also did not explain why Muhammadiyah that in some cases has different decisions from those of Indonesian government (ruler), also adopt national territory (Muhammadiyah 2003 Fatwa) as their concept for *ikhtilāf al-maṭāli* '. The answer is in the concept imagined community.

4.2.2 Nationalism and Imagined Community

According to Hallaq, nationalism and modern state are not only mere twin but they are embedded in each other, nationalism being one side of the coin that is the state.²⁶⁴ Furthermore, He mentions that the modern state must always be a nation-state, because without nationalism the state would have as much chance to

²⁶⁴ Hallaq, *The Impossible State*, 107.

survive as a cancer patient has the chance of surviving without treatment.²⁶⁵ Then, what is nationalism?

Benedict Anderson's seminal work "Imagined Communities" examines the origins and the spread of nationalism. He defined the nation as "an imagined political community and imagined as both inherently limited and sovereign."²⁶⁶ The primary feature of nation is that is imagined. Then, there are three secondary features that are the nation is imagined as limited, sovereign, and community. According to Anderson, the nation is imagined because even in the smallest nation, the members of it never see, meet, hear about most of the nation's fellow members however, they imagine that they are part of the thing (nation). The "imagine" here could means "consider" hence people are part of the nation because they consider/imagine it. Moreover, Anderson states that the nation is imagined as limited since all nations see themselves limited in territory and number of people. No nation dreams to have all humans as their members. Therefore, the nation always views that there are other nations beyond its boundaries. Furthermore, Anderson added that the nation is imagined as sovereign. The context was the early modern Europe where the popular trend is to be free from divinely-pointed and dynasty order and the modern nation's dream to be free and the key symbol of this freedom is sovereign state. Finally, the nation is imagined as community therefore it is common to die for the nation even what happen in it from inequalities and exploitations. The nation is considered as "deep horizontal comradeship." In last two or three hundred years, this imagined closeness that make possible to cause many people to kill and die for this imagined community.²⁶⁷

What important from the concept of imagined community is the two words mentioned in the term. The nation is imagined as community hence the title of the book is "Imagined Communities". Moreover, nationalism gives the meaning to previous Branch's cartographic state, territorial sovereign statehood. It is not only

²⁶⁵ Hallaq, *The Impossible State*, 109.

²⁶⁶ Anderson, *Imagined Communities*, 6.

²⁶⁷ Anderson, *Imagined Communities*, 5–7.

territory that depicted in maps by political actors but it also means “imagined land” belongs to imagined community.

This concept infiltrates to the concept of *balad* or *qawm* in *ikhtilāf al-maṭāli* ‘ discussion. Recall the definition of *balad* in Chapter Two, it is a place where residential buildings gathered.²⁶⁸ To compare *balad* and imagined community, first, I consider *balad* as imagined community also since Anderson explained the aspect of imagined is because the most of the fellow members never meet or see the some or all other members.²⁶⁹ Therefore, the previous community is imagined community such as Javanese people as Anderson’ give example. However, the difference is in its political aspect. The nation is imagined political community, whereas *balad* is imagined physical (spatial or concrete) community or location-based community. However, it seems that the nation’s concept of imagined community dominates *balad* one on the practice of *ikhtilāf al-maṭāli* ‘. That is the reason when it is common to protect the nation even with their lives²⁷⁰ then it is intuitive to fast together within one nation. This might explain Muhammadiyah position where in some cases it had different decision from the government’s one however, it seems counterintuitive for Muhammadiyah to divide the (imagined community) national territory to different date for the beginning Ramadan and other Islamic months, based on Muhammadiyah 2003 Fatwa, unlike 1969 Muhammadiyah Eid al-Fitr announcement.²⁷¹

The concept of imagined community also explains why the *mustafī* asks and the mufti answers in nation-state language, as discussed in Chapter Three. The *mustafīs* ask “should Indonesia follow other country?” or “the new moon is not sighted in Mozambique, should we follow other countries?” and the muftis answer “Indonesia should not for other nations moon sighting” or “Mozambique can have its own decision.” Those aforementioned names are modern nation-state names hence from those *iftā* ‘ progress, it shows the intuitiveness to fast with the nation and counter-intuitiveness to divide the nation. The counter- and intuitiveness also

²⁶⁸ See fn 165

²⁶⁹ Anderson, *Imagined Communities*, 6.

²⁷⁰ Hallaq, *The Impossible State*, 28.

²⁷¹ See Muhammadiyah’s Fatwa

could be found in premodern Muslim scholars' writings. The smallest unit in classical concept of *ikhṭilāf al-maṭāli* ' is *balad* hence the minor opinion in Shāfi'ī and other schools is that every *balad* has its own ruling or moon sighting. Consequentially, no scholar states that one *balad* could be divided into two rulings. Here, the modern and premodern scholars agree that one imagined community should not be divided into two rulings in case of *ikhṭilāf al-maṭāli* '. However, their concepts of imagined (physical) community differ where modern scholars consider the nation-state as imagined (political) community.²⁷² The premodern scholars consider *balad* as imagined (physical) community. It means when the modern scholars adopt modern nation-state as "community", it contradicts the premodern scholars' concept of "community" (*balad*) because the concept of modern state might divide one *balad* into two territorial sovereignties.²⁷³ Therefore, the transformation happens in the topic of *ikhṭilāf al-maṭāli* ' both in theory and practice.

While the concept of imagined (political) community or nationalism is common in late twentieth century CE, the next question is how common people and Muslim scholars internalized this concept. While there are several explanations of this phenomenon (the internalization of the nation concept), this thesis will focus on Benedict Anderson, Michael Foucault, and Wael Hallaq's discussion.

4.2.3 Internalization of Modern Ideas

Foucault discussed the term "state" in his series of lectures "Security, territory, population". Foucault's discussion on state is heavily related with the concept "governmentality". Foucault explains that the state could be viewed as multiple power relations that allow the state to function.²⁷⁴ Since Foucault's works focusing on history, he provided historical account on major power (state) forms: the first is feudal state that corresponds customary and written law, the second is the administrative state that corresponds to a society of regulations and disciplines, the third and final is governmental state that not only seen by its territoriality but also population density and of course the territory that it covers. According to him,

²⁷² As I mentioned before, imagined community could be seen also as imagined land belongs to imagined community, in case of *ikhṭilāf al-maṭāli* '.

²⁷³ In cases, one city or village could be divided into two different nation-state territory

²⁷⁴ Michel Foucault, *Power / Knowledge: Selected Interviews and Other Writings 1972 - 1977*, ed. Colin Gordon (Pantheon Books, 1981), 122.

what unique from modernity is not the “governmental” state but rather the “governmentalization” of the state that has caused it to survive.²⁷⁵ The government is important because it facilitate the state with its outside however the government is older than the state but what matters is the growing prominence of the government in relation to the state. Therefore, Foucault considers the state as part of series in governmentality.²⁷⁶

According to Foucault, the governmentality has three aspects. He mentioned for the first thing

First, by “governmentality” I understand the ensemble formed by institutions, procedures, analyses and reflections, calculations, and tactics that allow the exercise of this very specific, albeit very complex, power that has the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential technical instrument.²⁷⁷

From the first aspect, the point “the population as its target” is relevant to my analysis. In the past, the focus of major powers is to expand the territory which is important for their survive. However, the (modern) governmentality focuses on population and on how they see modern state’s territory. Therefore, people take for granted that they belong to the “imagined land” and see other lands as foreign.

The second aspect is the position of governmentality is over sovereignty and discipline. For sovereignty, Foucault is famous for his opposition of the concept sovereignty that sees centralized forms of power in favor of power that arises from below, beneath the level usually analyzed in political theory. For discipline, however, Foucault argued that discipline could be considered as a historical form of the exercise of governmentality. Furthermore, the third aspect is the historical emergence of governmentality where he viewed governmentality as process of

²⁷⁵ Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-78*, ed. Michel Senellart et al., trans. Graham Burchell (Palgrave Macmillan, 2009), 109–10, <https://doi.org/10.1057/978-0-230-24507-5>.

²⁷⁶ Foucault, *Security, Territory, Population*, 248.

²⁷⁷ Foucault, *Security, Territory, Population*, 108.

administrative state being governmentalized.²⁷⁸ Foucault also stated “The modern state is born, I think, when governmentality became a calculated and reflected practice.”²⁷⁹ However, modern state according to him, is around late sixteenth, seventeenth, and eighteenth century and there is later form of governmentality which is liberal governmentality. He states “Liberalism must produce freedom, but this very act entails the establishment of limitations, controls, forms of coercion, and obligations relying on threats, etcetera.”²⁸⁰ What important here is the aspects of control and coercion and both are “discipline” that Foucault had previously conceptualized. The concept discipline is crucial for both the state and governmentality and it is also explaining implicitly the concept of imagined political community. Therefore, the following paragraphs explain how modern state utilize discipline to internalize power relations in people minds.

Discipline is the term used by Foucault to refer particular type of power that affected individuals [mind and] body. Besides Foucault, Hallaq states that the form of discipline produced by the European state was unique, geared as it was toward fashioning the subjectivity of the new citizen who recognizes himself in the state and is willing to die for it.²⁸¹ Moreover, Foucault emphasizes that the disciplinary power is more focusing on individual acceptance of the norm and the state authority, rather than through physical public visible treatment. To do so, the disciplinary techniques are employed by institutions such as prison, school, hospital, and state.²⁸² Therefore, society is not only physical relation among the people but also body’s engagement with larger political field.²⁸³ For Foucault, the use of disciplinary mechanisms by social institutions and modern states becomes singularly important since Foucault concept of power is never localized here or there but it circulates through network rather than applied to them.

²⁷⁸ Foucault, *Security, Territory, Population*, 108–9.

²⁷⁹ Foucault, *Security, Territory, Population*, 165.

²⁸⁰ Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978-79*, Paperback ed., ed. Michel Senellart (Palgrave Macmillan, 2008), 64.

²⁸¹ Hallaq, *The Impossible State*, 99.

²⁸² Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Vintage Books, 1977), 137–38.

²⁸³ Leonard Lawlor and John Nale, eds., *The Cambridge Foucault Lexicon* (Cambridge university press, 2014), 112.

At the core of the disciplinary process are three distinct technologies – hierarchical observation, normalizing judgment, and examination – by which individuals are trained and transformed into docile and useful bodies.²⁸⁴ The first and second are relevant to our analysis of *ikhtilāf al-maṭāli‘* and modern nation-states. The first technology, hierarchical observation, shows that the domination is not dependent on any other person but on its role or position. Anyone can take the position’s place in the central tower [in case of Panopticon], whereas sovereign power required a specific individual who served as the monarch and who was not interchangeable.²⁸⁵ To bring to our discussion, most Islamic bodies emphasize the obedience to the ruler in determining Ramadan. Then, it is less about who the ruler is or what opinion that ruler choose and more about obeying the ruler. The practice could be seen as the effect of hierarchical observation. Furthermore, the second technology, normalizing judgment, is the core for our question. Through the process of normalization, disciplinary power shapes our notions of what is natural and correct and thus determines our corresponding behaviors, and it does so even in the most routine circumstances.²⁸⁶ Foucault also gives example on school even though his arc type is prison, the signal in school such as bell ringing indicates that the students must to do certain steps.²⁸⁷ Therefore, the students internalize what is normal and unnatural, what is good and bad, without direct physical violence by the institution.

The example of school is important since not all people (citizens) in late twentieth and early twenty-first century CE, are familiar with prison or hospital but most of them are familiar with educational institutions. Therefore, Education is a continuous application of all three disciplinary technologies, and it demonstrates the degree to which we accept disciplinary power as common. Moreover, it also helps to internalized the concept of modern nation-state as imagined community in people minds. Education is also important element in Anderson and Hallaq’s

²⁸⁴ Foucault, *Discipline and Punish*, 170–95.

²⁸⁵ Lawlor and Nale, *The Cambridge Foucault Lexicon*, 116.

²⁸⁶ Lawlor and Nale, *The Cambridge Foucault Lexicon*, 114–15.

²⁸⁷ Foucault, *Discipline and Punish*, 177.

analysis hence the following paragraphs engages with their analysis especially the educational aspect.

Anderson's account on the origins of nationalism centers around printing capitalism. Here, the advance of technology plays key role again in the transformation of human practice. According to Anderson, one of the explanations of nationalism is the rise of vernacular language and the decline of sacred language (Latin).²⁸⁸ Again, the central factor is printing technology that led to "fatality of human linguistic diversity."²⁸⁹ However, according to him, the essential thing is the interplay between fatality, technology, and capitalism. The capitalism logic works under the logic "more production and more customer" that created monoglot mass reading publics. One of the effects of that is the spread of modern style-education that also causes the rise of imagined community which really relevant to our study. Moreover, Anderson also uses Indonesia as case study to explain this phenomenon. He states the case of Indonesia gives an intricate illustration of this process (colonial school-systems in promoting nationalism), not least because of its enormous size, huge population, geographical fragmentation, religious variation, and ethno-linguistic diversity.

Anderson shows how distance could be disregarded in imagined community building and how important educational systems in national building. Anderson writes that some of the peoples on the eastern coast of Sumatra are not only physically close, across the narrow Straits of Malacca, to the populations of the western littoral of the Malay Peninsula, but they are ethnically related, understand each other's speech, have a common religion, and so forth. These same Sumatrans share neither mother-tongue, ethnicity, nor religion with the Ambonese, located on islands thousands of miles away to the east. Yet during this century they have come to understand the Ambonese as fellow-Indonesians, the Malays as foreigners.²⁹⁰ Nothing nurtured this bonding more than the schools that the regime in Batavia set up in increasing numbers after the turn of twentieth century. However, I see this case only for the elites that have access to Batavia (modern day Jakarta) for

²⁸⁸ Anderson, *Imagined Communities*, 18–19.

²⁸⁹ Anderson, *Imagined Communities*, 43.

²⁹⁰ Anderson, *Imagined Communities*, 120–21.

education. Unlike during late twentieth and early twenty-first century when the education is more accessible for common people.

To see why, one has to remember that in complete contrast to traditional, indigenous schools, which were always local and personal enterprises, the government schools formed a colossal, highly rationalized, tightly centralized hierarchy, structurally analogous to the state bureaucracy itself.²⁹¹ Uniform textbooks, standardized diplomas and teaching certificates, a strictly regulated gradation of age-groups, classes and instructional materials, in themselves created a self-contained, coherent universe of experience.²⁹² But no less important was the hierarchy's geography. Standardized elementary schools came to be scattered about in villages and small townships of the colony, junior and senior middle schools in larger towns and provincial centers, while tertiary education was confined to the colonial capital of Batavia and the Dutch-built city of Bandung. Thus, the twentieth-century colonial school-system brought into being pilgrimages which paralleled longer established functionary journeys. The Rome of these pilgrimages was Batavia: not Singapore, not Manila, not Rangoon, not even the old Javanese royal capitals of Jogjakarta and Surakarta. They knew that from wherever they had come they still had read the same books and done the same sums. To put it another way, their common experience, and the amiably competitive comradeship of the classroom, gave the maps of the colony which they studied (always colored differently from British Malaya or the American Philippines) a territorially specific imagined reality which was every day confirmed by the accents of their classmates.²⁹³

Moreover, Hallaq also discusses about how important the school in European states especially after security apparatus and prisons. Hallaq mentions that prison is not enough to keep population in order. Therefore, the population had

²⁹¹ For similar transformation in Cairo, Egypt see Aria Nakissa, *The Anthropology of Islamic Law: Education, Ethics, and Legal Interpretation at Egypt's al-Azhar* (Oxford University Press, 2019), 65–87.

²⁹² For Muslims experience, see Wael B. Hallaq, *Shari'a: Theory, Practice, Transformations*, 1st ed. (Cambridge Univ. Press, 2009), 414–15, <https://www.cambridge.org/id/universitypress/subjects/history/middle-east-history/shari-theory-practice-transformations?format=PB&isbn=9780521678742>.

²⁹³ Anderson, *Imagined Communities*, 120–22.

to be educated in the ways of good conduct, and good conduct meant social order and, in a thoroughly capitalist system, an ability to work and produce. Discipline thus translated into a site in which the subject was corralled into a system of order and instrumental utility. The system that was adopted to accomplish this regulative mechanism was the school, which began to spring up everywhere in various forms, and concurrent with the consolidation of the police apparatus, the school became a standard social fixture by the end of the nineteenth century. Legislated as mandatory (literally coercing parents to send their children to schools on pain of imprisonment), primary education forced the great majority of Europe's children into a regimented system where certain ideas and ideals were drilled into their minds.²⁹⁴ Here, it is known that what are drilled into students' mind is how they see the world and themselves as good citizens of the nation-state.

Until late twentieth and early twenty first century, I view the modern education system flourishes in most Muslim countries. It becomes common thing among citizen even necessary in some cases and the state is central in that system. Therefore, the concept of imagined (political) community and nation-state is more internalized in this period and could be observed through issuance date of fatwas related to *ikhtilāf al-maṭāli* '.

In sum, the modern context entails the universalization of linear territorial sovereign statehood, along with nationalism understood as an imagined community or land that is internalized through governmentality and disciplinary power exercised by state institutions, particularly the modern education system. Therefore, modern societies are built on three interconnected ideas that work together to control and shape populations.

4.3 Delimitation and Limitation of Technology

The discussion of *ikhtilāf al-maṭāli* ' in the past was largely a theoretical matter. It was practically impossible for all Muslims around the world to begin and end the month of Ramadan on the same day and date based on a single moon sighting in one location as major Sunni schools' opinion prefers. Therefore, they emphasize on making up the missed fast rather than to start fasting on same date

²⁹⁴ Hallaq, *The Impossible State*, 99–100.

for all Muslims in the world. Moreover, in the past, it was difficult to transmit reports of moon sightings to far places using traditional methods of communication. In the modern period, however, the discussion of *ikhṭilāf al-maṭāli* ‘ has also become a practical matter, as modern technology enables the fast transmission of reports and messages from one place to the entire world.

Historically, it was impossible to begin Ramadan in Merauke based on a moon sighting in Sabang (within modern Indonesian territory), in Dammam based on a sighting in Tabuk (within modern Saudi territory), or in Marsa Alam based on a sighting in Sallum (within modern Egyptian territory) before the advent of modern technology, particularly advances in communication and information transfer. However, in the modern period, especially during the late twentieth and early twenty-first centuries CE, it has become common for Muslims in these places to begin Ramadan together in one day or date. For example, the Minister of Religious Affairs of the Republic of Indonesia may announce that the new crescent was sighted in Sabang and, therefore, that all Muslims in Indonesia, including those in Merauke, should begin fasting the following day. Central to this practice is the advancement of communication technology. Without technologies such as the telegraph, telephone, radio, television, or the internet, it would be unimaginable to transmit reports of moon sightings across extremely far distances within minutes or hours. Thus, modern technology has delimited what was once impossible in practice.

Communication and broadcasting technology especially radio and television (TV) was heavily related to nation building project.²⁹⁵ Many Muslim-majority states gained independence from colonial powers during the mid-twentieth century, and the adoption of national broadcasting systems became an important means to foster national unity and consolidate state authority. In certain periods and contexts, radio and television were state-owned and had limited territorial coverage. As a result, the signals of national radio and television stations generally reached

²⁹⁵ Inaya Rakhmani, *Mainstreaming Islam in Indonesia* (Palgrave Macmillan US, 2016), 15–18, <https://doi.org/10.1057/978-1-137-54880-1>; Joe F. Khalil, *Arab Television Industries*, with Marwan M. Kraidy, International Screen Industries Ser (BFI Publishing, 2009), 1–8; Philip Kitley, *Television, Nation, and Culture in Indonesia* (Ohio University Press, 2000); Krishna Sen and David T. Hill, *Media, Culture, and Politics in Indonesia* (Equinox Publishing, 2007).

only the territory of the state itself. For populations whose primary access to information was through these media (national radio and TV), information concerning the determination of Ramadan was often available only from national sources. Consequently, modern technology, in specific historical periods and contexts, had its own practical limitations. Under such circumstances, it was intuitive for Muslims within a state's territory to follow government decisions regarding the beginning of Ramadan as disseminated through national broadcasting systems. I consider this limitation as technological limitation. However, this type of limitation was only for particular times and places. Some individuals had access to technologies that transcended national borders, such as satellite television, the internet, and telegraph networks, making it possible to transmit messages across states. Moreover, political and religious elites generally have greater access to communication technologies capable of transmitting information internationally, particularly between major urban and capital cities.

If cross-border communication was technologically possible, why did states and their religious authorities often refrain from relying on moon sighting reports from other countries? The answer I propose is the second type of limitation: a metaphysical limitation. Unlike technological limitations, which arise from the material limitation of communication infrastructure, metaphysical limitations emerge from the conceptual, legal, and normative frameworks through which moon sighting reports are interpreted, authorized, and recognized. Therefore, modern technology is not an absolute delimiter. Nor is it value-neutral. While Muslims in Merauke may begin fasting based on a moon sighting in Sabang, despite the approximately 5,000-kilometer distance between them and 3-hours praying time gap, Muslims in Batam²⁹⁶ may not begin fasting based on a moon sighting in nearby Singapore, despite being separated by only 10–30 kilometers. Similarly, Muslims on the Malaysian side of Sebatik Island²⁹⁷ may not begin Ramadan at the same time as Muslims on the Indonesian side of the island, even though they are separated by only a fence or wall. Therefore, technology not only removes some of the practical

²⁹⁶ Batam is a bustling island, municipality, and the largest city in the Riau Islands province of Indonesia. Located around 20 kilometers off the southern coast of Singapore.

²⁹⁷ Sebatik Island is an island off the eastern coast of Borneo, split between Indonesia and Malaysia. Moreover, there is one house divided into two national territories for tourist destination.

limitations that existed in the past but also operates within social, political, and legal boundaries that limits what is otherwise possible in the past. Hence, the technology in some cases delimit what practically possible in the past.

The technology of communication is also mentioned in some fatwas and documents related to determining Ramadan. In some cases, the mustaftī asks about legality about the technology or the mufti gives explanation how to act with this technology.²⁹⁸ Moreover, in Indonesia, RRI and TVRI²⁹⁹ are previously crucial in transferring the news of Ramadan, as mentioned in fatwas. However, in another case, CRLO fatwas show that report on moon sighting from other countries might be transferred to Saudi audience and they need to clarify the announcement.³⁰⁰ Hence, without the technology, the fatwas may not be issued.

While the technology is central to those aforementioned transformations, it is not the only reason for the transformation. It could not explain comprehensively the change of concept in *ikhtilāf maṭāli* ‘ from classical jurisprudence to modern practice. Therefore, the previous section explains the context in which the fatwas related to *ikhtilāf maṭāli* ‘ were produced. In short, while modern technology delimits what was impossible in the past, it also causes the birth of the modern nation-state whose ideology, in some cases, limits what was possible in the past.

This and previous sections discuss the “why” aspect of the analysis and the modern context. Therefore, the next section explains both the impact of these transformations in modern societies especially on topic *ikhtilāf maṭāli* ‘ and also how modern Muslim scholars reform the discourse of *ikhtilāf maṭāli* ‘.

4.4 The Impact of Modern Transformations and the Reform of *Ikhtilāf al-Maṭāli* ‘

In previous Chapter Three, I already showed the impact of previous modern transformations. Here, I revisit it in concise manner. As mentioned in Chapter Two, the term *balad* is crucial and frequently used in premodern Muslim scholars’ works on *ikhtilāf maṭāli* ‘. The most relevant definition of *balad* is the place where

²⁹⁸ Muḥammad Bakhīt al-Muṭī‘ī Bakhīt, *Irshād Ahl Al-Milla Ilā Ithbāt al-Ahilla*, 1st ed. (Dār Ibn Ḥazm, 2000), 16.

²⁹⁹ See fn 193. Moreover, several documents in ANRI show the importance of RRI and TVRI.

³⁰⁰ Fatwas number 206 and 1116 in al-Duwaysh, *Fatāwā Al-Lajna al-Dā’ima*, 10:88,116.

residential buildings gathered.³⁰¹ In short, it is location-based community or what I call in previous section “imagined (physical) community”. Moreover, as shown in Chapter Three, the term also often mentioned in modern fatwas on *ikhtilāf maṭāli*’. However, terms *balad*, *bilād* or *baldah* are interchangeable with *dawlah* and modern nation-state³⁰² which are not, certainly, location-based community.

In the case of NU, the shift is even more clear. In pre-independence Indonesia era, NU issued two fatwas related to definition of *balad*. In 1938 NU fatwa, it defines *balad* for topic *zakāh* as *kelurahan*, *pedukuhan*, or others which could mean village or community.³⁰³ Moreover, in 1939 NU fatwa, the *mustafī* asked what is the difference between *balad* in topic of Friday prayer and the one in topic *zakāh*. Then, the fatwa states that there is no difference, because what is meant by *balad*, is place that located in a residential area, so it is not permitted for travelers [*musāfir*] in that area to combine shortening prayers.³⁰⁴ Therefore, it is clear that what two previous pre-independence NU fatwas, means the *fiqhī balad*. However, in the post-independence period, more specifically in the post-New Order era, 1999 NU fatwa refers to Indonesia (modern nation-state) as “*al-balad al-wahid*”.³⁰⁵ Here, I argue that the shift from location-based community to an imagined (political) community in the discourse of *ikhtilāf maṭāli*’, indicates the impact of the interplay of several modern ideas, namely, universal border, national community, internalization of them through modern governmentality and disciplinary power in modern educational institution.

After discussing the “why” aspect of the analysis and the impact of modern transformation. Next, I examine how modern Muslim scholars reform the discourse of *ikhtilāf maṭāli*’ to answer the “how” aspect of the analysis.

In the topic of *ikhtilāf maṭāli*’ during certain period (1998-2024), all Islamic bodies examined in this study, namely, NU, Muhammadiyah, MUI, CRLO, and

³⁰¹ See fn 165

³⁰² See fn 236-199, 251-214.

³⁰³ Pengurus Besar Nahdlatul Ulama (PBNU), *Ahkamul Fuqaha: Solusi Problematika Aktual Hukum Islam (Keputusan Muktamar, Munas, Dan Konbes Nahdlatul Ulama, 1926-2010 M)*, 224.

³⁰⁴ Pengurus Besar Nahdlatul Ulama (PBNU), *Ahkamul Fuqaha: Solusi Problematika Aktual Hukum Islam (Keputusan Muktamar, Munas, Dan Konbes Nahdlatul Ulama, 1926-2010 M)*, 240.

³⁰⁵ Pengurus Besar Nahdlatul Ulama (PBNU), *Ahkamul Fuqaha: Solusi Problematika Aktual Hukum Islam (Keputusan Muktamar, Munas, Dan Konbes Nahdlatul Ulama, 1926-2010 M)*, 558.

ESO, are in the reformist nationalist side since they all endorse an unprecedented position: the national concept of *ikhtilāf maṭāli*.³⁰⁶ This shared commitment is reflected in the various methods through which the reform has been articulated and justified.

Some of these methods have been done by prominent scholars of Islamic legal reform, for example, including those done by Bakhīt,³⁰⁶ such as selective citations, elevation of minority opinions, and generalizations of exceptions. Moreover, my analysis of modern fatwas finds other methods, including referring to previous practice as a legal source, applying modern or anachronistic readings to classical texts and terminology, change in citation, and emphasizing certain issues while de-emphasizing others. The following paragraphs examine these methods in greater detail.

One of the methods, is referring to previous practice as a source. As discussed in Chapter Three, a repeated main answer from the Lajnah al-Dā'imah or CRLO states that throughout Islamic history, Muslims around the world have never begun and ended Ramadan based on one single moon sighting on the same day.³⁰⁷ On this basis, the al-Lajnah chose to preserve the previous practice rather than advocate for a unified global practice. Premodern jurists were also aware of this historical reality. However, as shown in Chapter Two, they generally maintained the main opinion of their respective madhhabs as the dominant theoretical position in their works. Consequently, the legal discussion focused not on establishing a globally unified beginning of Ramadan, but rather on related issues such as whether missed fasts had to be made up when differences in moon sightings occurred between places.

Moreover, modern or anachronistic readings of classical texts and terms is the main method that used frequently. This method is used, to varying degrees, by nearly all of the institutions examined in this study, as discussed in Chapter Three. Muhammadiyah's 2003 fatwa interpreted the Hadith of Kurayb as the concept of *wilāyah al-ḥukm*, identifying it as the territory of Indonesia which is modern nation-

³⁰⁶ Quadri, *Transformations of Tradition*, 145; Bakhīt, *Irshād Ahl Al-Milla Ilā Ithbāt al-Ahilla*.

³⁰⁷ See fn 235

state. Similarly, the 1999 fatwa of Nahdlatul Ulama (NU) prohibited Muslims in Indonesia from following international moon sightings on the grounds that such sightings did not occur within a single legal jurisdiction “(*al-balad al-wahid*)”. Moreover, the 2003/2004 fatwa of the Majelis Ulama Indonesia (MUI) emphasized the obligation of all Muslims within the territory of Indonesia to follow the decision of the Indonesian government regarding the beginning of Ramadan, Shawwal, and Dhu al-Hijjah. One of its main reasons was the legal maxim that the ruler's decision is binding and removes disagreement (*ḥukm al-ḥākim ilzām wa yarfa‘ al-khilāf*). Likewise, Saudi Arabia's Lajnah Dā’imah and Egypt's Dār al-Iftā’ employ terms such as *balad*, *baldah*, and *bilād* to refer to the modern state (*dawlah*), while emphasizing the obligation to obey the ruler (*walī al-amr* or *ḥākim*). All of these aforementioned terms can be found in classical *fiqh* literature. however, their meanings in modern fatwas often differ from their premodern usage, as Chapter Two shows.

Futhermore, Modern scholars also adopt selective citation as their method. An example of this method can be found in NU 1999 fatwa, which cites Ibn ‘Ābidīn's *Radd al-Muḥtār*, vol. 2, p. 393, as one of its supporting reasoning. As discussed in Chapter 2, Ibn ‘Ābidīn chose the dominant Ḥanafī position that a moon sighting in one place applies to all places in the world.³⁰⁸ He elaborated and defended this opinion over several pages in multiple works, particularly in *Tanbīh al-Ghāfil*.³⁰⁹ However, at the end of his discussion in *Radd al-Muḥtār*, he briefly mentioned an exception concerning the pilgrimage season (*Hajj*) and the month of Dhu‘l-Hijja, stating that each *balad* may follow its own ruling and moon sighting. NU's fatwa selectively cites this exception and extends its application to Ramadan and Shawwal, thereby generalizing a position that Ibn ‘Ābidīn himself treated as a limited exception.

Additionally, another interesting method is change of citation. This method is unique to the MUI 2003/2004 fatwa, which cites *Ḥāshiyat al-Sharwānī*, as discussed in Chapter Three. The missing of three words from the middle of a

³⁰⁸ See fn 45

³⁰⁹ Ibn ‘Ābidīn, “Risālat Tanbīh Al-Ghāfil,” 104–10.

sentence, whether due to a mistyping or a misquotation, significantly changes the direction of the discussion. In its source text, *Hāshiyat al-Sharwānī* addresses the specific issue of accepting a single testimony for determining the beginning of Ramadan. However, the change of citation in the MUI fatwa broadens the discussion to encompass the determination of Ramadan in general, including the acceptance of testimony, the sighting/calculation debate, and *ikhtilāf al-maṭāli*‘. Therefore, the fatwa gives broader authority to the ruler in broader topic of determining Ramadan rather than specific topic of accepting one testimony, as mentioned in *Hāshiyat al-Sharwānī*.

Moreover, one of common approaches is elevation of minor opinions. In the Sunni legal schools, the majority opinion (*jumhūr*) regarding *ikhtilāf al-maṭāli*‘ is that differences in horizons are not legally considered (*lā ‘ibrata bi-ikhtilāf al-maṭāli*‘). The Shāfi‘ī position, by contrast, is a minor opinion among Sunni schools, that states different rulings for different *maṭāli*‘. Within the Shāfi‘ī school itself, however, there are two dominant interpretations regarding the circumstances under which different rulings for different horizons apply. Both interpretations agree that different ruling only applies to far *balad* not the near one. According to one opinion, far distance is considered only when two *balads* are separated by a distance equivalent to that which permits the shortening of prayers. The stronger opinion holds that far distance is considered when the *maṭāli*‘ themselves differ. A less prominent opinion (different from two previous interpretation and is weak opinion) within the Shāfi‘ī and other schools, states that each *balad* has its own ruling regarding moon sighting. Because this latter opinion most closely resembles contemporary practice, it has been elevated in modern fatwas. This process of elevating a minority opinion is often combined with modern or anachronistic readings of classical terminology. As a result, *balad* is reinterpreted to refer to a modern nation-state (*dawlah*), leading to the conclusion that each modern nation-state possesses its own independent limited authority for determining the beginning of Islamic months.

Finally, emphasizing one topic while de-emphasizing another is another method in reinterpreting *ikhtilāf al-maṭāli*‘. This method is particularly evident in the fatwas of the MUI and the Lajnah Dā’imah. Both institutions adopt relatively

flexible positions regarding *ikhtilāf al-maṭāli*‘ while placing greater emphasis on the obligation to obey the ruler. The Lajnah Dā’imah received several questions concerning *ikhtilāf al-maṭāli*‘. However, rather than choosing one preferred legal position, it left the choice between the major and minor opinions to the local (national) authority, while emphasizing that Muslims must follow the ruler's decision. Similarly, the MUI fatwa of 2003–2004 does not directly discuss *ikhtilāf al-maṭāli*‘. Instead, it presents several evidences, texts, and sources, emphasizing the obligation to obey the ruler and the binding nature of government’s decisions.

In short, to redirect the discussion of *ikhtilāf al-maṭāli*‘, modern Muslim scholars engage with obvious series reinterpretations, selective citations, elevation of minority opinions, and generalizations of exceptions, reference to previous practice as a legal source, the application of modern or anachronistic readings to classical texts and terminology, the alteration of citations, and the emphasis of certain issues while de-emphasizing others.

4.5 Conclusion

This chapter examines the transformation of *ikhtilāf al-maṭāli*‘ and its context. First, I analyse what are the differences between modern nation-state as modern political unit and the premodern ones. There are three elements of modern nation-state that unique for modern period, namely, exclusively linear territorial statehood, nationalism, and modern governmentality. Second, I discuss about the paradox of technology. Third, I describe how modern Muslim scholars reform the discussion of *ikhtilāf al-maṭāli*‘.

In today’s world, all political units are linear border territories, as depicted on the map. This phenomenon creates a sense of universality and commonality among people, who see themselves and the world as part of those linear borders. Central to this phenomenon is the advance of modern cartography, which allows precise lines to divide territories. Another key development is the spread of nationalism. Nationalism considers the aforementioned linear border territories as imagined communities or lands. Central to this phenomenon is print-capitalism, which leads to the emergence of mass monolingual readerships and later gives rise to modern education systems. Moreover, the process of internalizing the nation and

its territory occurs through governmentality and disciplinary power, with the school serving as the primary institution.

As explained in previous paragraph, the modern technology is crucial in nation-state building. Moreover, it plays an important role in transforming the discussion *ikhtilāf al-maṭāli*‘ from merely theoretical matters in the past into practical considerations in the present. In other words, modern technology delimits what was impossible in the past. However, it also operates within sets of legal, political, metaphysical norms that could limit what was possible in the past. Consequently, modern Muslim scholars adopt a modern understanding of *balad* as the modern nation-state, in contrast to premodern scholars, who understood it as a location-based community, indicating the impact of the interplay of several aforementioned modern ideas. Furthermore, to arrive at this unprecedented position, modern Muslim scholars engage with series of reinterpretations including selective citations, elevation of minority opinions, and generalizations of exceptions, reference to previous practice as a legal source, the application of modern or anachronistic readings to classical texts and terminology, the alteration of citations, and the emphasis of certain issues while de-emphasizing others.

CHAPTER 5

CONCLUSION OF THESIS

In discussions of *ikhtilāf al-maṭāli*‘, the prevailing view within the Ḥanafī, Mālikī, and Ḥanbalī schools maintains that a new moon sighting in one *balad* is binding upon all regions and communities. By contrast, the minor opinion of *ikhtilāf al-maṭāli*‘, which is the main opinion of the Shāfi‘ī school, emphasizes the far distance between two *balads* as the basis for different rulings. Despite these differences, the doctrine of *ikhtilāf al-maṭāli*‘ remained relatively stable from its earliest formulation until the modern period. However, during the late twentieth and early twenty-first centuries, the discussion underwent a significant transformation.

Relevant fatwas and official documents on *ikhtilāf al-maṭāli*‘ from Muhammadiyah, Nahdlatul Ulama (NU), Majelis Ulama Indonesia (MUI), al-Lajnah al-Dā’imah (Permanent Committee for Scholarly Research and Legal Opinions, CRLO), and Dār al-’Iftā al-Miṣriyyah (Egyptian State Office, ESO) indicate that, around late twentieth and twenty-first centuries CE, all Islamic bodies examined in this study agreed that each state territory should have a single decision regarding the determination of the Islamic months, especially Ramadan, Shawwal, and Dhu’l-Hijja. Even in the case of Muhammadiyah, which did not follow the official government decision, its rulings still treated Indonesia as a single *maṭla*‘ requiring one unified decision.

What occurred was not merely a shift toward preferring the Shāfi‘ī position over the dominant Ḥanafī, Mālikī, and Ḥanbalī opinions. Rather, modern scholars even transformed the meaning of *ikhtilāf al-maṭāli*‘ within the Shāfi‘ī tradition itself in order to accommodate the logic of the modern nation-state. In classical discussions, distance and differences in horizons were central considerations in determining separate rulings. In modern discussions, however, state territory increasingly became the decisive criterion. As a result, the concept of *ikhtilāf al-maṭāli*‘ was gradually reinterpreted through the framework of national boundaries. Moreover, premodern scholars define *balad* as a place where residential buildings gathered while modern scholars consider it as nation-state.

This thesis shows how modern Muslim scholars consciously or unconsciously internalized nationalist understandings of law and community in their discussions of *ikhṭilāf al-maṭāli*‘. To construct the modern standard opinion, they employed several methods, including selective citation, the elevation of minority opinions, the generalization of exceptional cases, reference to previous practice as an independent legal source, the application of modern or anachronistic readings to classical terminology and texts, the alteration of citations, and the emphasis of certain issues while de-emphasizing others.

I argue that the transformation of the premodern, distance-based discussion of *ikhṭilāf al-maṭāli*‘ into a modern concept based on state territory is the result of the modernization and nationalization of societies. Central to this transformation are several interconnected modern phenomena: the universalization of exclusively linear territorial sovereign statehood, the spread of nationalism as an imagined political community, and the internalization of these ideas through governmentality and disciplinary power exercised by state institutions, particularly the modern education system. Modern societies are shaped by interconnected ideas that influence how populations understand both the world and themselves. In particular, the modern education system became increasingly institutionalized and deeply embedded in society during the late twentieth and twenty-first centuries. Education became compulsory, widespread, and essential for citizenship, while the state assumed a central role in determining what could and could not be taught. In this context, both Muslim scholars and ordinary people are socialized into the concept of the imagined national community or land.

Consequently, modern discussions of *ikhṭilāf al-maṭāli*‘ increasingly regard the division of a single national community into multiple dates as counterintuitive and socially problematic. Premodern scholars generally understood *balad* as a location-based community shaped primarily by geographical distance and differences in horizons. Modern scholars, however, increasingly understand *balad* as an imagined political national community defined by territorial sovereignty. Thus, the shift in the doctrine of *ikhṭilāf al-maṭāli*‘ reflects a broader transformation in which Islamic law is understood, reinterpreted, and implemented through a nationalist ideology.

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