

Fatwa as a Medium Da'wah: Studies on the Role of Mufti as a Preacher

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Abstract

Mufti is one of the influential people in the Muslim world. Mufti is a person who is qualified, knowledgeable and able to solve legal problems pursuant to source that coincides in Islam. However, nowadays, the advantages and privileges of a mufti is not being disclosed especially in the context as a preacher. This situation also affects the authority and its role as a mufti. Thus, this study aims to identify the fatwa as a medium of da'wah approach. The objective of this study focuses on two main topics. Firstly, to identify the relationship between the mufti and preacher. Secondly, analyses the role of mufti as a preacher. This article answers these questions through the content analysis on some of the classic and contemporary work. The findings shows that one of the roles of mufti as the preacher can be seen from the aspect of da'wah approach. The method of da'wah approach that are al-hikmah, al-mau'izah al-hasanah and al-mujadalah methods. The findings found out that the mufti and preacher are two areas of different tasks yet it shares a common goal which is to preserve the religion of Islam as a whole.

Keywords: Medium of *da'wah* approach, Mufti, Preacher.

Introduction

Mufti is influential individuals in Islamic world. In terms of its role, mufti undertakes the important responsibilities for the religion and society as a whole. However, according to Wan Muhammad (2009), the role of mufti and fatwa has changed its role since the English law has been absorbed in the justice system in Malaya. This situation gives some implications to the justice system nowadays where the syariah courts and mufti institutions were isolated into two different organizational structures (Mat Salleh, Samuri & Mohd Kashim, 2016). While in Islam, al-Mallah (2006: 2) states that the mufti is someone who is *faqih*, *mujtahid* and is responsible to explain and to *istinbat* the principals of Allah s.w.t. in any situation.

In other words, mufti can also be understood as a someone who is able to solve problems that arise pertaining to the Islamic religion by referring *syarak* method and meet the objectives of the *maqasid syariah* (syariah's objectives) (Mahmood et al., 2010:20). Any

problems that occurs are explained according to accurate methods through the sources which comprising of the al-Quran, al-Sunnah, ijmak and *al-Qiyas* (Zaidan, 1975:166-168).

The privilege of a mufti has to be viewed as a privileged entity and influential in the Islamic world. This is because mufti plays a very big role in solving problems of the Muslim community generally. The matter is suitable to be described in the context of eligibility that need to be possessed by a mufti. According to al-Nawawi (1998:19), the main valuation that is being a measurement in appointing a mufti is in terms of their qualifications. There are four conditions which are fundamental in appointing a mufti. First is a Muslims. Second is *mukalaf*. Third is, fair. Fourth is *mujtahid*. All these four conditions must be met by an individual to become a mufti.

Referring to the role played by the mufti from the context of the missionary discussions, mufti was also a preacher. This is because the mufti and preacher have similarities in terms of direction and goals in Islam. This matter has been explained by Buang (2016) where the role and functions played by mufti nowadays is to guide Muslims towards the better direction, so that, there will not be any misunderstanding towards Islam in society.

Research Methodology

This study uses document analysis method to obtain a clear picture of fatwa and preaching. An explanation about the mufti and preacher that had been explored using the data from classic and contemporary works. According to Jasmi (2012), this document analysis methods is utilised to obtain clear information in understanding a concept, issues and problems about a phenomenon that occurs.

Next, the findings of data collection will be analysed using content analysis method. Content analysis is used to review and clarify the interpretation of the document. According to Krippendorff (2004: 18) and Yusof (2004: 34), analysing the contents is a research technique to draw conclusions in a systematic way and objectives through data in the form of documents. While Marican (2005:170) and Lebar (2009:146) defined content analysis as an explanation that examines systematically about written contents in the form of text. This matter coincides with the data that had been collected from the documents that were related to mufti, preacher, missionary approach method that can be applied in the role of a mufti.

Findings

Discussion about the Relationship between Mufti and Preacher

Coinciding with the first objective of this study, the discussion about the relationship between mufti and preacher is necessary to depict the parallelism between mufti and preacher. Mufti and preacher are two aspects that have the similar goal in Islam. Although there may be differences in the movement between the both yet mufti and preacher share common objectives and goals in terms of the contribution towards the Islamic religion.

Mufti is one of the pillars among the elements contained in the pillars fatwa. According to al-Hafnawi (1995:319-320), mufti is someone who is *mujtahid* and *faqih* towards the knowledge which is related *fiqh* (deep understanding) and is able to convey Allah s.w.t.'s principals through their arguments. In terms of *syarak*, al-Asyqar (2004: 53) states that mufti also refers to those who were given the priority to explain about religion affairs to others. Fluency in

Arabic, knowing more about the general and special (*'am* and *khas*), *mutlak* (ultimate) and *muqayyad*, *asbab al-nuzul al-ayat* (reasons for the declining of quran verse), kosher and illicit and so on are the advantages of a mufti. Besides, Abdullah (2004: 143) adds on that there are some other elements that are being as an importance for the mufti to be maintained. Among the elements that need to be taken care of is a mufti should behave in order to always be a moderate person, not rigid, not *taklid* and be able to communicate well and clearly.

Whereas, the preacher is the propagator (the pious) or *muballigh* (presenter), who serves to communicate and provide an understanding of Islam to others (al-Bayanuni, 2001:135). According to Abdullah et al. (2006:1), there are some basic things that attract people to accept his preacher's call. First is appreciation of passionate theology. Second is the preparation from the aspect of knowledge. Besides, according to Abdullah (1997:64), preacher who gives priority upon one's patient with gentle behaviour, humble and heed oral will have a favorable impact on receiving a missionary. These aspects explain that the role of a preacher is also one of the important factors to the success of the mission.

The relationship between mufti and preacher can also be explained by the existence of a continuation of fatwa and the pillars of preach. According to al-Barawi (2009), there are three pillars of fatwa. First pillar known as *al-mas'ul*. In other words, *al-mas'ul* referred to as mufti of a particular person who gave fatwa or the person who answered the questions of complications. The second pillar is *al-sa'il* or habitually referred to as *mustafti*. *Al-sa'il* or *mustafti* is the person who inquire fatwa or interrogate about issues relating to religion. The third pillar is *al-'amaliyyah*. *Al-'Amaliyyah* means fatwas issued by mufti.

While, there are four elements in missionary pillars. According to al-Bayanuni (2001), where the four elements are defined as, first is *da'i* who known as spreader. Second is *mad'u* which refers to mission, third is *mawdu'* as topics or content of preaching and fourth is the medium that can convey message based on the target topic.

Distinctly, these pillars prove that mufti and preacher has the most crucial position in every rule that has been described. To make it lucid, both pillars are described as in Figure 1 below:

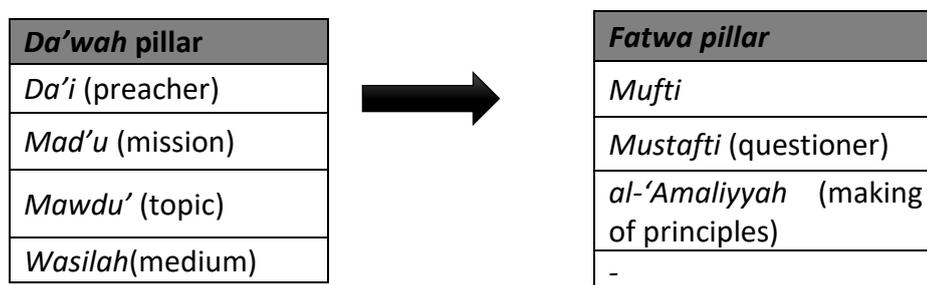


Figure 1: Relationship between Spreader and Mufti in *Da'wah* and Pillars of Fatwa

Based on the figure 1, both preachers and muftis have the same role in Islam. Nahilah (2015:861) states that mufti and preacher are closely related and have an impact on preaching development. In fact, mufti are among one of the professions that is eligible to preach as preacher. Compliance to the context of preaching, it can be seen that the contents of the

message is associated with the fatwas issued. It's because, the determination of pillars converge the objectives of *syariah* (Islamic goals) precisely and appropriately to Islam. Overall, the relationship between the mufti and preacher are two vital roles. However, the approach should be in accordance with the methods and the appropriateness of mission.

The Analysis of the Role of Mufti as a Preacher

Based on the discussion about the relationship of mufti and preacher, there are obvious similarities between them. The overall similarity meant is, it is related to the role of a mufti. However, the role played by mufti must be compatible with missionary journey in present. Thus, this study reveals the missionary approach as an aspect that can be practiced by mufti. Approach of *da'wah* is important in the missionary movement. This approach has also been outlined in the surah *al-Nahl*, through 215. The denotation of the word, Allah s.w.t.:

“Invite to the way of your Lord with wisdom and good instruction, and argue with them in a way that is best. Indeed, your Lord is most knowing of who has strayed from His way, and He is most knowing of who is (rightly) guided”.

(Al-Nahl, 16:125)

Based on the verse, there are three basic of *da'wah* approach often used by missionaries nowadays. These approaches are refers to the method of *al-hikmah*, method of *al-mau'izah al-hasanah* and method of *al-mujadalah*. Consequently, mufti can apply those methods as a way to reach out to the entire community. Basically, the method is described in further deliberation.

First: The Role of Mufti in the Method of Al-Hikmah

The methods *al-hikmah* is one of the methods that are often associated with the preacher. Qutb (1978:2201) and Rida (n.d.) mentioned that *al-hikmah* refers to wisdom. The word wisdom also refers to intellectuals who require critical review regarding goals and create a strategy before beginning a *da'wah*. The aim is to ensure the content of the message conveyed is not too onerous along with missionary goals and preach could be accepted.

This situation can be explained when a mufti come across certain issues that touch on the sensitivities of religious. For example, Mohamad Fuad (2016) stated that among the latest issue that has been discussed by mufti is about Merry Christmas greetings to the Christians. This confusion has been answered by the Federal Territory Mufti who said that the *hukum* is a must for Muslims to speak to non-Muslims. In order to solve this issue, mufti include some relevant aspects to the context of inter-racial society in Malaysia. Among the vital key is to conserve the minority rights of non-Muslims to avoid any kind of dispute and misunderstanding between the multinational communities.

In the context of the mission, this issue had referred to the wise attitude of a preacher. *Al-hikmah* is an approach that doesn't show ignorance in a person (Zakariya & Mohamad, 2013:92). Furthermore, talking about nature of mufti, *al-hikmah* is an appropriate method to be applied to clarify the society pertaining to the misled issues. According to Shukor (2011), somehow or rather, preaching should be parallel to the time and ability of the community.

Second: The role of mufti in the method of *al-Mau'izah al-Hasanah*

Al-mau'izah al-hasanah is a form of *da'wah* approach that contains aspects of guidance, advice, guidance that contains tenderness. Tenderness that meant by was referring to the delivery that does not contain elements of violence in inviting target (al-Bilali, 1989:260).

In implementing *da'wah* approach, the method of *mau'izah al-hasanah* is an accurate method for the mufti in sympathizing the non-Muslims. In accordance with the character performed by a mufti, the method of *mau'izah al-hasanah* emphasizes a few matters need to be done. According to Muhiddin (2002:167), there are four things that need to be given attention while utilising this method. Mufti may highlight this method in accordance with the way that preaching can be delivered properly. The first one is, the importance to maintain the utterance of words. Second, not being rude in speech and action. Third, not mentioning others' fault. Fourth, not being too quick in penalising others' action. For example, in the determination of fatwa, mufti can also apply the concept of this method to give a clear picture of the issues raised by the society.

Third: The role of mufti in the method of *al-Mujadalah*

Al-mujadalah is also one of the *da'wah* approaches. This method is quite different compared to the method of *al-hikmah* and *al-mau'izah al-hasanah*. Basically, the usage of *al-mujadalah* is to facing target that is hard which can lead to debate (Syukur, 1983:142). In this matter, the role of missionary is not to reveal the conflict among the humans. Instead, create a contention which contains the element of *musyawarah* (discussion) to resolve certain issues and problems.

According to Saad (2012:2), the conflict between societies is one of the factors that non-Muslims are unapproachable. Lack of tolerance among religious community also the extensive contributing factor to the conflict (Mohd Khambali, 2008: 81). When such conflicts arise, there will also appear various perceptions and prejudice respective religions, especially in Islamic religion.

This approach is suitable to be applied in the aspects that features the mufti as an individual who is qualified to give an argument since mufti is someone who is knowledgeable. The involvement of influential individuals such as mufti in approaching and sympathising the entire society is an effort that needs to be benefited.

Conclusion

Based on this discourse, there are some results obtained from this study. It can be concluded that the preacher is an important element in the work of preaching. Similarly, mufti is one of the preachers. The role of mufti is also ratified via preaching activities. For instance, the lectures delivered in the palaces, mosques and prayer is a form of preaching conducted by the mufti. This shows that the responsibilities undertaken by the mufti and spreaders are constructed with the same goals.

In addition, the role of the mufti as a preacher can also be explained by the application of the method contained in the message. These methods include methods of *al-hikmah*, *al-mau'izah al-hasanah* and *al-mujadalah*. By applying those methods, it gives an opportunity to the institution of fatwa and mufti to provide more extensive elaboration in solving community

problems from various plot and scope of discussion. It aim so that fatwa and preaching seen moving integrated in resolving issues raised society on this day.

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References

Abdul Wahab, M. (2002). Sejarah Penubuhan Institusi Fatwa di Negeri Selangor dalam *Jurnal Syariah*, Vol. 10 (2) 1-18.

Abdullah, B. (1977). *Amal Jamaie Dalam Organisasi Islam*. Besut: Zabib Enterprise.

Abdullah, R. (2004). Fatwa dan Masyarakat. Dalam Ahmad Hidayat Buang (ed.). *Fatwa di Malaysia*. Kuala Lumpur: Universiti Malaya.

Abdullah, S. F., Othman, A., & Ismail, S. (2006). Kefahaman Tentang Konsep Asas Dakwah Islamiah Dan Metodologi Dakwah Islamiah Di Kalangan Pelajar-Pelajar Institut Agama Islam Kedah (INSANIAH), paper works that have been presented at *National Student Development Conference (NASDEC)*. Kuala Lumpur. Pada 8-9 August 2006.

Al-Asyqar, 'U. S. (2004). *Manhaj Al-Ifta'inda Al-Imam Ibn Qayyim Al-Jawziyyah*. Jordan: Dar al-Nafais.

Al-Barawi, M. (2009). *Mazaliq al-fatwa*. Kaherah: Dar al-Basa'ir.

Al-Bayanuni, M. Abu al-Fath. (2001). *Al-Madkhal ila 'Ilm al-Dakwah*, cet.3. Beirut: Mu'assasah al-Risalah.

Al-Bilali, A. H. (1989). *Fiqh al-Dakwah al Fi ingkar al-Mungkar*. Kuwait: Dar al-Dakwah.

Al-Bustani, B. (1870). *Kitab Muhit al-Muhit*. Jil. 2. Beirut.

Al-Hafnawi, M. I. (1995). *Tabsir al-Nujaba' bi Haqiqat al-ijtihad wa al-Taqlid wa al-Talfiq wa al-Ifta'*. Kaherah: Dar al-Hadith.

Al-Mallah, Husayn Muhammad. (2006). *Al-Fatwa: Nasy'atuha wa Tatawwuruha Usuluha wa Tatbiqatuha*. Beirut: Maktabah 'Asriyyah.

Al-Nawawi, M. Y. S. (1998). *Adab al-Fatwa wa al-Mufti wa al-Mustafti*. Kaherah: Muassasah al-Ahram li al-Nasyr wa al-Tawzi'.

Al-Zirikli, K. (1986), *al-A'lam*, cet. 7, jld 8. Beirut: Dar al-'Ilm al-Malayin.

Buang, A. H.. (2016). Memperkukuhkan Kredibiliti Institusi Fatwa Dalam Menghadapi Cabaran Semasa Di Malaysia. The paper was presented at *Seminar Isu-isu Kefatwaan Kontemporari 2016: Fiqh Kontemporari Dalam Menepani Realiti Semasa Masyarakat Malaysia*. On 10 Mac 2016 at Institute of Advanced Islamic Studies, Kuala Lumpur.

Jasmi, K. A. (2012). *Penyelidikan Kualitatif Dalam Sains Sosial*. Johor Bharu: Universiti Teknologi Malaysia.

Krippendorff, K. (2004). *Content Analysis: An Introduction to Its Methodology*. California: SAGE Publications Ltd.

Lebar, O. (2006). *Penyelidikan Kualitatif Pengenalan Kepada Teori Dan Metod*. Perak: Universiti Pendidikan Sultan Idris.

Mahmood, A. R., Mahmood, A. M. & Mohd Kashim, M. I. A. (2010). *Kebebasan Bersuara Dalam Hukum dan Fatwa : Satu Analisis*. Jurnal Penyelidikan Islam. Num. 23.

Mansor, R. S. (2011). *Dakwah dan Teknologi Maklumat*. Putrajaya: Penerbit JAKIM.

Marican, S. (2005). *Kaedah Penyelidikan Sains Sosial*. Petaling Jaya: Pearson Hall.

Mat Salleh, M. K., Samuri, M. A., Mohd Kashim, M. I. A. (2016). Kedudukan Fatwa dan Pendapat Mufti Sebagai Autoriti di Mahkamah Syariah Malaysia. *Journal of Contemporary Islamic Law*. Vol. 1 (1).

Mohamad Fuad, M. R. (2016). Bayan Linnas Siri Ke-81: Hukum Mengucapkan "Merry Christmas" Kepada Mereka Yang Beragama Kristian dalam Laman Web Rasmi Pejabat Mufti Wilayah Persekutuan. Rujuk laman <http://www.muftiwp.gov.my/> (12 Januari 2017).

Mohd Khambali, K. (2008). Toleransi Beragama Dan Amalannya di Malaysia: Reference to the Article 11 Malaysian Federal Constitution in *Jurnal Usuluddin*. Num.27 Kuala Lumpur: The division of Pengajian Usuluddin Akademi Pengajian Islam Universiti Malaya.

Muhiddin, A. (2002). *Dakwah Dalam Perspektif Al-Quran*. Bandung: CV Pustaka Setia.

Nahilah, B. (2015). Athar al-Fatwa al-Syari'iyah fi Nasyri al-Dakwah al-Islamiyyah al-Mu'asarah. The Paper was presented in *Buhuth Mu'tamar al-Fatwa wa Isytiraf al-Mustaqbal*.

Qutb, S. (1978). *Fi Zilal al-Quran*. Jil. IV. Beirut: Dar al-Suruq.

Rida, M. R. (n.d.). *Tafsir al-Manar*. Juzu' 3. Kaherah.

Saad, M. Y. (2012). *Aplikasi Ilmu Perbandingan Agama Dalam Pendekatan Dakwah Non-Muslim: Kajian Terhadap Program Islamic Outreach ABIM*. Tesis Ijazah Sarjana Usuluddin Bahagian II, that has been handed to Jabatan Akidah dan Pemikiran Islam, Akademi Pengajian Islam, Universiti Malaya, Kuala Lumpur. (Unpublished).

Syukur, A. (1983). *Dasar-dasar Strategi Dakwah Islam*. Surabaya: Al-Ikhlas.

Wan Muhammad, R. (2009). Sejarah Pentadbiran Kehakiman Islam di Malaysia: Satu Sorotan dalam *Kanun Jurnal Undang-Undang Malaysia*. 21(1). 1-11.

Yusof, R. (2004). *Penyelidikan Sains Sosial*. Kuala Lumpur: PTS Publications & Distributors.

Zaidan, A. K. (1975). *Usul al-Dakwah*. Baghdad: Dar al-Wafa'.

Zakariya, N. & Mohamad, A. D. (2013). Media Sebagai Wasilah Dakwah dalam *Jurnal Al-Hikmah*. Vol.5. 92-99.