

## An Analysis on Misconception of Fiqh Jihad by Religious Extremist Group

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### Abstract

The terminology of jihad portrays horrendous idea i.e. logophobia. This is due to its confined understanding and application by certain religious extremist groups. The absolute concept of jihad however has been distorted by the beliefs and actions of indefinite jihad, thus adversely affected worldwide. Therefore, this study aims to clarify the injustice concept of fiqh jihad executes by religious extremist groups specific to the Islamic State (IS), thru analysis documentations of inductive, deductive as well as comparative studies. The findings indicate that the IS group understand the revelation literally with no consideration on the reality extant and critical analysis by contemporary Muslim scholars. The term jihad is correspondingly synonymous to warfare (*qital*). Therefore, it has to be dealt with authentic narrative explanations regarding fiqh jihad according to the Islamic teaching based on the principle of *wasatiyyah* i.e. *rahmat li alamin*.

**Keywords:** War, Fiqh Jihad, Religious Extremism, Wasatiyyah

### Introduction

Religious extremist groups have evolved local and global regions. There are militants so called Islamic State (IS), al-Qaeda, Jamaah Islamiyyah (JI), Boko Haram, Abu Sayaf and others. This phenomenon is said to be the result of misunderstandings in interpreting religious teachings in particular fiqh jihad which is one of the imperative ideology of these extremist groups. Indeed, their understandings of related issues to fiqh jihad need to be taken into account because it leads to misunderstanding and extreme belief where terrorism is then, derived. Since many international studies discussed the involvement factors of extremist groups, they

however ignoring the idea of misconception of fiqh jihad by the group. Therefore, this study focuses on the misconception of fiqh jihad executed by Daesh group.

### **Literature Review**

Nor (2015) believes in a society, extremism being exercised regardless of other teachings and disciplines, and Islam is indubitably rejecting the ideology. Afroni (2016) then elaborates the meaning of *ghuluw* or excessiveness by considering the history and its causes. His research is influenced by the study of al-Luwaihiq (1999), in fact is explained in the context of contemporary religious extremism. Abd Rahim (2016) also in his study on the application of Maqasid al-Shari'ah, has analyzed the relationship between religious extremism and the Khawarij beliefs. The analysis found that there were many ideological similarities between the Salafi Jihadi executed by religious extremist groups and the Khawarijs in the early days of Islam. Mansor (2017) later explains that Salafi Jihadi is submitted to the same belief held by religious extremist groups such as al-Qaeda, JI, KMM and ISIS groups. Most recent study conducted by Khambali, Abdullah & Ali (2017) who elaborates on various legal interpretations pertaining to types of jihad and warfare which then manipulated by the extremist groups, thus committing violence in the name of jihad and religion. Their study results, according to the Quran, jihad emphasizes good intentions, including the need for profound study due to reality extant. Jihad is evidently different from terrorism that some people believe. The aforementioned researches are significant to the researcher's study; unfortunately they are focusing on general discussions of fiqh jihad practiced by religious extremism groups with limited deliberations to the misrepresentation and misconducts concerning the concept of jihad.

### **Methodology**

This study, where the researchers conducted two approaches of research, namely, analysis of documents including books, theses, journals, working papers and collections of *Dabiq* magazine published by the IS group, in order to understand the background and issues, hence create research objectives. Second, the interview technique was applied to selected authority informants who sought to classify certain codes to indicate important words gained from the interviews. It also aims to provide in-depth information to explain and support the data obtained from the library that use as the primary method (Piaw, 2011). Further, the researcher used this method to acquire information on the reality of extremist groups and to justify the law from the perspective of experts in Islamic law in order to prove their forge beliefs. The methods were then analyzed within content and thematic analysis as to answer the study.

### **Result and Discussion**

The IS group definite believes their struggle is the absolute jihad recognized by Islam. To them, it is intended to endorse God's law as commanded by Him. Jihad via swords and weapons is also understood as the main Islamic teaching. Accordingly, Islam shall expand by the used of weapons (Razak, 2019). In addition, fiqh jihad of the IS group is closely related to the understanding of Dar al-Islam and Dar al-Kufr. Dar al-Islam is understood to be their territory while Dar al-Kufr is other part of the world which is not under their domination. Therefore, they demand killings of those who are considered infidels in any part of Dar al-Kufr. They, inappropriately employ the Quranic argument (Break The Cross, 2015).

In general, the concept of jihad to IS understanding are; First, the law of accomplishing jihad is under the task of fardu ain i.e. individuals obligation (The Law of Allah or The Law of Man, 2015). The IS group, hence has called on Muslims to pledge, unite and submit to them. The negative implications have led those who joined them to reject all forms of present legitimate government. On that basis, every follower of the IS group is an anti-government to a country that can threaten the sovereignty and the rule of law (Weeks, 2013). This is because, to them there is solemnly a leader who is obliged to obey, Abu Bakr al-Baghdadi (Jones, 2014).

Second, the IS group considers jihad as a mere physical war without being associated to other struggles of developing knowledge, social or economy for the Muslim community. On the other hand, the interpretation of jihad apart from warfare is beheld by a group of Murji'ah who want to obliterate the obligation of jihad. The young generations of Muslims are encouraged to engage in the fight against the infidels as anti-thesis to the Muslims, who are said to have obtained martyrdom status if they were willing to sacrifice themselves to frighten the disbelievers and pressure their interests. As such, the IS group has claimed attacks in many countries around the world (Just Terror, 2015).

Based on the analysis of the Islamic fiqh jihad concept as well as the understanding of jihad by the IS group, the researchers can summarize the misunderstandings and misconducts that have been made with the following arguments:

First, fiqh jihad in Islam is an all-encompassing concept and not simply refers to war. This can be proven by the fact that the term of jihad in the Quran has various meanings (al-Zuhaili, 1987). Traditions related to jihad do not explicitly describe the war against infidels by weapons (Kamaruddin, 2008). Thus, there is an opportunity for ijtihad to expand the concept of jihad in the field of preaching and executing judicious methods as suggested in the Quran. Another important fact is that the verse pertaining to jihad in the Quran that is Makkiyyah which proves jihad in Islam does not refer to war because jihad only occurs when Muslims have migrated to Medina. Thus, scholars of Islam collectively agree that there are various practices or approaches of carrying out jihad in accordance with reality context (al-Buti, 1993; al-Qardhawi, 2009).

Second, there are some misunderstanding on the Quranic texts. This can be seen, for example, the understanding of texts from surah al-Baqarah and surah al-Taubah verse 5. These verses mean to reveal in the context of shar'i struggle of war and not a peaceful context (Ibn Kathir, 1997). The Messenger of Allah (peace be upon him) said: "No (can do) harm and (cannot) harmful (others) (narrated by Ibn Majah). The hadith visibly prohibits Muslims doing harm and in fact enforcing them to avoid situations that could cause them harm. Ibn Rajab insists that Islamic law strictly rejects destruction in its various forms and has also forbids any acts that cause harm to the public (Ibn Rajab, 2008). The weapon and the Lone Wolf's attacks on diplomatic countries including Muslim countries are a clear recommendation which beyond the limits, due to violations of human rights acts. As such, it has been found that since the 9/11 outbreaks, also a series of bomb attacks in Bali, France, UK and others have received worldwide critics including by the prominent Islamic scholars (Dzulqarnain, 2006).

Third, jihad proclaimed by IS group where they consigning all the territories other than them as Dar al-Harb is deceitfulness. This is an implication of their understanding upon *takfir*. The method of categorizing all countries including the country of majority Muslim as a territory to

fight for, is against fiqh debates and Maqasid al-Shari'ah. The terms of Dar al-Islam and Dar al-harb discussed in fiqh accounts refer to the Islamic state or Daulah Islamiyyah. However, scholars are seen to disagree in accepting the concept in the current situation. Wahbah al-Zuhailiy in his book *Atharu al-Harb fi al-Fiqh al-Islami* states that the division of the typology is not based on the Quran and al-Sunnah but rather that it is a fact of the past (al-Zuhailiy, 1998). This opinion was also agreed by Muhammad Abu Zuhrah, 'Abd al-Wahhab al-Khallaf and others (al-Qardhawi, 1999). Fourth, the fuqaha consensus on fardu ain upon Muslim joining war as a self-defense if their country under invasion. However, for the offensive jihad practiced by the IS group, there are difference of opinion arises i.e. either sunnah, fardu kifayah or fardu ain. The majority of scholars agreed that it is obliged under the task of fardu kifayah and depends on the behest of the ruling authority. However, the debate was based on the context of reality extant, and Muslims in the past who lived in a situation of war.

### Conclusion

In the end, it is clear that the IS group's basic understanding of jihad deviates from Islamic teachings and merely reflects their goals. Their consideration limited to literal and selective Quranic verses and Hadiths without courtesy of universal priority and reality, indeed is not guided by significant contemporary Islamic scholars. The fact is their actions are not categorizes as jihad but in actual fact are described as *bughah* (rebellion) because it is an unjust act where they threaten and kill innocent civilians. Henceforth, jihad appeared as a dreaded term because of delinquency enforcement by the religious extremists.

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