

DETERMINATION THE BEGINNING OF QAMARIYAH MONTH ACCORDING TO GOVERNMENT

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ABSTRACT

This paper describes about the issue of determining the beginning of the month of Qamariyah according to the government perspective. This study is important because it is related to the dynamics of the determination of the beginning of the Qamariyah month which is quite complex. In the history of determining the beginning of the month of Qamariyah in Indonesia, there was a recurring difference in determining the beginning of the month of Qamariyah. This condition is motivated by a concept that is understood and embraced by the Indonesian people which refers to two large patterns between the use of computation and rukyat (seeing the moon). Moreover, the pattern of understanding of community organizations. In the concept of computation is divided into patterns and techniques used, such as urfi computation, true computation. In the context of this difference, essentially the government has been present to bridge the difference in the results of the determination of the beginning of the Qamariyah month from the rukyat and computation techniques with itsbat hilal. This concept actually to concocts two major view between computation (hisab) and rukyat with the specified criteria.

Keywords: determination of the beginning of the month; decision of the government; computation

ABSTRAK

Tulisan ini mendeskripsikan tentang seputar persoalan penentuana wal bulan qamariyah menurut perspektif pemerintah. Kajian ini menjadi suatu kajian yang dirasakan penting terkait dengan dinamika penentuan awal bulan qamariyah yang cukup kompek. Dalam sejarah perjalanan penentuan awal bulan qamariyah di Indonesia terus berulang terjadi perbedaan dalam menentukan awal bulan qamariyah. Kondisi ini dilatarbelakangi konsep yang dipahami dan dianut oleh masyarakat Indonesia yang mengacu pada dua pola besar antara penggunaan hisab dan rukyat. Terlebih lagi, pola pemahaman organisasi masyarakat (ormas). Dalam konsep hisab pun terbagi pola dan teknik yang digunakan, seperti hisab 'urfi, hisab hakiki. Dalam konteks perbedaan ini pada hakikatnya pemerintah telah hadir untuk menjembatani perbedaan hasil penentuan awal bulan qamariyah dari teknik rukyat dan hisab dengan itsbat hilal. Konsep ini pada prisnipnya meramu dua aliran besar antara hisab dan rukyat dengan kriteria yang ditentukan.

Kata kunci: penentuan awal bulan; keputusan pemerintah; komputasi

مستخلص

هذه الرسالة تصور مسائل بداية الشهر القمرية لدى الحكومة, هذا البحث يعد من أهم البحوث المتعلقة بمسائل بداية الأشهر القمرية مطلقا. من سيرة تطور التعيين في بداية الشهر القمرية في إندونيسيا تتكرر هذه

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المسائل مرارا، هذه المسائل مسبب من استعمال نظرية الحساب والرؤية، لاسيما في فهم الهيئة الرعية. من نظرية الحساب تنقسم إلى خط وطريقة مستخدمة كالحساب العربي والحساب الحقيقي. قد شاركت الحكومة في نصره الاختلاف عن نتيجة تعيين بداية الشهر القمريّة بطريقة الرؤية والحساب بإثبات الهلال، هذا المنهج يشتمل على الفرقين الحساب والرؤية بالوصف المتعين.

الكلمات الرئيسية: تحديد بداية الشهر؛ قرار الحكومة؛ الحساب

A. INTRODUCTION

One segment of study that is important and cannot be released in Islam is a matter of dating and time. Any worship will always be closely related to time. The five time prayers carried out by Muslims a day and a night all have time to start and the deadline. In addition, the calendar also becomes a necessity in the worship of Muslims, the determination of Ramadan, the month of Shawwal and so on is an urgent part.

The issue of determining the beginning of the month or dating in Islam is a serious matter. The seriousness can be seen from the data in the Qur'an and Hadith both *qawli* and *fi'li*. Not only stopped at the source, it turns out the scholars in all the books of Jurisprudence discussed the issue of the study of determining the beginning of the month related to Ramadan, Shawwal and so on. So that it is important to be studied continuously as a necessity of the people.

However, in the Indonesian context determining the beginning of the month is a matter of debate. This is indicated by the theories and methods used by the Islamic organizations Nahdahtul Ulama (NU), Muhammadiyah, Alwashliyah and so on. So that there appears a tendency and public interest that there will always be differences in determining the beginning of the month.

In this context, the government's decision as one of the solutions that should be a strategy to resolve the problem of determining the beginning of the month for Indonesian Muslims become a necessity. At least, government decisions can resolve prolonged differences. This paper provides an offer and solution to determine the beginning of the month perspective of government regulations that the state in this case should take its role or confirm its role.

B. DISCUSSION

1. Argumentation of determining the beginning of Qamariyah Month

In the Qur'an is found verses that related to the issue of time and calendar. The Qur'an in this context is quite diverse in relation to cases, worship, etc., such as prayer times, pilgrimage,

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Ramadhan, Dzulhijjah. Among the verses pertaining to this are verses about the implementation of the Hajj:

يسألونك عن الأهلة قل هي مواقت للناس والحج¹

They ask you (Muhammad Sallallahu Alaihi Wasalam) about the crescent (*hilal*). Say: The crescent is a sign of time for humans and worship of Hajj (Q.S. 2: 189).

الشمس والقمر بحسبان

The sun and the moon circulate according to calculations. .²

In the two verses above, it explains the time issues related to the pilgrimage. The first verse talks about the new moon which is a sign for humans and the pilgrimage. In essence, the new moon is a sign not only for the pilgrimage but also other worships. While the second verse describes the rotation and the orbit of the sun and moon which are on their respective axis which are closely related to human time.

Meanwhile, in the perspective of the Hadith there are also many that discuss dating issues in Islam. At least, among the Hadith which explains the calendar are as follows:

صوموا لرؤيته و افطروا لرؤيته فان غبي عليكم فاكملوا عدة شعبان ثلاثين (رواه

البحاري³)

Fasting all of you because you see the new moon (*hilal*) and breaking of fast because you see it too. If the *hilalis* protected against you, then complete the Sha'ban number 30 days.

إنا أمة أمية لا نكتب ولا نحسب الشهر هكذا وهكذا وعقد الإهمام في الثالثة

والشهر هكذا وهكذا يعني تمام ثلاثين⁴

We are a ummi, one month, so-and-so much. He bent his thumbon (as much as words) the third time. And that one month, so, and so, that is even 30 days.

¹Departemen Agama, *Alquran Dan Terjemahnya* (Semarang: Toha Putra, 1989), p. 234.

²*Ibid.*, p. 531.

³Bukhari, *Shahih Bukhari*, Juz III (Beirut: Dar al-Kutub al-Ilmiyah, t.th.), p. 478-479.

⁴Muslim, *Shahih Muslim*, Juz I (Bairut: DarulFikr, tth) . 437.

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الشهر يكون تسعة وعشرين ويكون ثلاثين فإذا رأيتموه فصوموا وإذا رأيتموه فأفطروا فإن غم عليكم
فأكملوا العدة⁵

One month there are twenty-nine days, and some are thirty days. So if you see the new moon, then fast and if you see it, then breaking of fast. If your vision is closed (by the clouds), then complete that number.

Of the three Hadiths above it can be understood that there are two techniques of the way of the Prophet in dating or determining the beginning of the month of Qamariyah. First, through *rukyat* on 29 Sya'ban, if the new moon (*hilal*) is seen on that date, the next day fasting. Likewise with the determination of 1 Shawal by *rukyathilal* on 29 Ramadan if it is seen then the next day breaks or 1 Shawwal. Second, through the way of *istikmal* or completion of the number of months both Sya'ban and Ramadhan. This way is taken if in the determination of 1 Ramadhan and 1 Shawwal is not seen the moon (*hilal*) on 29 Sya'ban or Ramadan. Then the number of months to 30 days is perfected because the number of months is perfect until the number 30.

In this matter al-Qaradlawi asserted that the Messenger of Allah had made a case against his people at that time naturally to do reckoning even though they were not good at reading and writing. The practice that the Apostle has exemplified in the condition of the people who are still modest in computation. This is a blessing because Allah will not burden them to practice the reckoning that they do not have capability. If God charged them with such obligations, they would depend on people of other religions who were relatively more knowledgeable.⁶

Furthermore, if they were burdened with the obligation to use computation, it means that there had been an imposition of something that was beyond the ability of the people in that age. This is not acceptable, because it is not in line with the spirit of the Qur'an. The practice of determining the beginning of Ramadan and Shawwal based on *rukyat* and *istikmal* applies since the time of the Prophet Muhammad and continued until the emergence of the development of the science of computation among Muslims begin to show progress.⁷

This condition has continued since the *tabi'in* period, as evidenced by the emergence of opinions from their circles about the use of the computation. In *Bidayatul Mujtahid* for example, Ibn Rushd quoted Mutharrif ibn al-Sukhair's opinion that one of the *tabi'in* figures about

⁵An-Nasa'i, *Sunan an-Nasa'i*, Juz I (Mesir: Musthafa BabilHalabi, 1979), p. 301.

⁶Yusuf al-Qaradlawi, *Fiqh ash-Shiyam* (Kairo: Dar Ash-Shahwah, 1991), p.23.

⁷Muhyiddin Khazin, *Mazhab Negara*, paper that presented in IAIN Semarang in 2011.

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permissibility refers to the calculation of *hisab*. Even quoted also the history of Ibn Suraij from Imam al-Shafi'i which justifies people fasting based on computation (*al-istidlal bin nujumi wa manazilil qamar*)⁸

In line with the more advanced and sophisticated computation (*hisab* science) in the following period, especially in the last period, it can be understood if the demands to enforce the results of computation in determining of the beginning of Ramadan and Shawwal are getting stronger. This not only appears in the form of placing *hisab* as a companion to *rukyyat*, but appears in the form of attitude of placing *hisab* as the most important than *rukyyat*.

Paying attention to the command of the *rukyyat* to detect the appearance of the new moon (*hilal*), which means that on the 29th day the new moon has appeared, so the month is 29 days; and if on that day the new moon does not appear then the age of the moon is perfected (*istikmal*) to be 30 days old. From this provision the question arises: "Why is *istikmal* only 30 days?" The possibility of the answer, among others, is that at sunset on the 30th day, based on computation must have happened *ijtima* 'and the position of the new moon must have been above horizon however at that time the moon did not appear because there were clouds or something. Though computation can take into account *the ijtima* 'time and the position of the *hilal* accurately. On that basis, computation (*hisab*) has the opportunity to be the basis for determining the beginning of the month of Qamariyah.⁹

Therefore, in relation to the determination of the beginning of the month of Qamariyah in the community there are two major groups, namely groups based on *rukyyatal-hilal* and groups based on computation (*hisab*). These two groups each have a foundation that is seen as strong and even each one feels right about what his group is doing. In addition, each group feels they have the authority of rights and obligations to provide guidance and direction for the implementation of worship for their respective group members.

This condition is one of the obstacles to the creation of the Qamariyah calendar in Indonesia, especially the determination of the beginning of the month of Ramadhan, Shawwal and Dhulhijjah which are Islamic holidays and *syi'ar* days.

2. Early Determination System for Qamariyah Month in Indonesia

In the determination of the beginning of the month of Qamariyah in Indonesia there were always some differences. If we look carefully, this is caused by two factors, namely: in terms of

⁸ Ibn Rusyd, *Bidayatul Mujtahid* (Beirut: Darul Fikr, t.th), p.207.

⁹ Watni Marpaung, *Hisab Imkan Rukyyat: A Unification Effort in Determining of the Beginning of Months of Qamariah*, in *Miqot*, Vol. XXXIX No. 2 Juli-Desember 2015, p. 309.

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the determination of the law and in terms of the system and method of calculation, in terms of the determination of law in Indonesia in broad outline consists of four groups.¹⁰

First, the group holding on to *rukyat*. Basically this group does computation. For success in doing *rukyat*, it requires computation. It's just that this group considers that computation as a tool for the success of *rukyat*. For them, *rukyat* is a proof used to determine the beginning of Qamariyah month which is related to worship. If the *hilal* has been *rukyat*, and after *isbat* is carried out as usual, then the *rukyat* results are announced to the public.

Second, the group that holds the *ijtima'* as a guideline to determine the beginning of the Qamariyah month. This group is guided only by the *ijtima'* to determine the beginning of the new month. They underlie the occurrence of *ijma'* to determine the beginning of the month of Qamariyah, with no need to explain the position of the moon and the height of what degree above the horizon.

They stand if the *ijtima'* has taken place before the sun sets, then the next day is the new month beginning in the month of Qamariyah. But if the *ijtima'* occurs after maghrib (after sunset), then the next day is considered the current month. This is based on the reason of the Qur'anic verse Yunus verse 5 (five), as Allah Almighty. has established manzilah for the orbit of the sun or moon which is useful for humans to determine the calculation of the number of days in a year and the methods of calculation.

Third, the group that considers that true horizon is a criterion for determining the form of the new moon. This group is based on the legal basics that are almost the same as the reasons stated by the second group, only they understand the verses of the Qur'an and the Hadith as a whole so that they conclude that if the position of the new moon is known by mind above true horizon, then knowledge of mind cannot be denied anymore and is a powerful tool to determine the beginning of the month. This group was developed by Muhammad Wardan with the term *hisabwujudul hilal*. In the system of *wujudul hilal*, the methodology built in starting the new month on the hijri calendar is not merely the process of going on *ijma'*, but also considering the position of the moon at sunset. So that it can be said that the *wujudul-hilal* theory. This is the middle way between the system of computation (*ijma'qabl al-ghurub*) with the *imkanal-rukyat* system or the middle way between pure reckoning and pure *rukyat*. The theory entitled the *hilal* is embraced by the Muhammadiyah organization, so that in practice starting the fasting month of Ramadan, Eid al-Fitr and Eid al-Adha there is a difference among the Indonesian Muslim community. The height of the new moon is already above true horizon at sunset, but has not

¹⁰ Susiknan Azhari, *Hisab Dan Rukyat: Wacana Membangun Kebersamaan di Tengah Perbedaan* (Jakarta: Rajawali, 2004), 20.

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reached the criteria of imkan *rukyyat* (2°), while the results of *rukyyat* observation, the moon cannot succeed (not seen), so this condition raises differences, even though the Minister of Religion has a decision. Based on the results of the *Isbat* decision of the *Hisab Rukyyat* Central meeting held by the Ministry of Religion R. I.

Fourth, the group that holds the position of the new moon above *UfukMar'i*, namely: Horizon which can be seen directly by the eyes as the criteria for the beginning of the month. The legal basis used by the fourth group is almost the same as the third group, but besides paying attention to the verses of the Qur'an in its entirety, it is attached to the soul in the Hadith, namely the position of the month which is determined by such precision in accordance with the viewer's eyes. Therefore, the correction made to the moon's height is semidiameter of month. Refraction of parralaraxs which done carefully by paying attention to air and temperature conditions with the intention of the moon position, not based on calculations through True horizon as in the third group.¹¹

3. System and Preliminary Calculation Methods of Qamariyah Month

In the calculation of the beginning Qamariyah Month by computation generally there are two types, namely: *Hisab'Urfi* and *Hisab Hakiki*.

a. *Hisab'Urfi*, which is the method of determining the beginning of the Moon with a calculation based on the circulation of the Moon and Earth on average surround the Sun. In this *Hisab'Urfi*, a year is set at 12 months, each odd month is 30 days and even moon is 29 days, except in the month of Zulhijjah, in leap yearis 30 days. Leap year occurs 11 times over thirty years.

The scholars agreed that the *Hisab'Urfi* system could not be used in a time related to worship, except in calculating the period (haul) in zakat. For this reason, *Hisab'Urfi* can be used, because the number of days in a year is equal to the number of days used by *HisabHakiki*, which is 354 days in ordinary years (bassitah) and 355 days in long (leap) years.¹²

Named with *Hisab'Urfi*, because the calculation activities are based on traditional methods, namely the making of budgets in determining the beginning of the month with a budget based on the circulation of the Moon.

b. *Hisab Hakiki*, which is determination the beginning of the Month of Qamariyah with calculations based on the actual circulation of the Moon and Earth. The discussion of *HisabHakiki* focused on determination the beginning of the Qarmaiyah Month which was

¹¹ Susiknan Azhari, 30.

¹² Alamanak Hisab Rukyyat, Direktorat Jenderal Badan Peradilan Agama Mahkamah Agung RI Tahun 2007.

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related to the implementation of worship as a whole. This *HisabHakiki* is a system of early determination of the Month of Qamariyah with the method of determining the position of the Moon at sunset.¹³

The methods taken in this *Hisab Hakiki* system are:

- a. Determining the occurrence of the *ghurub of* Sun for a place
- b. On this basis the adherents of *HisabHakiki* calculate the logitude of the Sun and Moon and other data with ecliptic coordinates.
- c. On the basis of this logitude they calculate the occurrence of *ijma* '.
- d. Then the position of the Sun and Moon is determined by the ecliptic coordinate system projected to the equator. Thus, it is known that *mukuts* (the angle of the path of the Sun and Moon at sunset).
- e. The position of the Sun with the equator's coordinate system is projected vertically so that it becomes the coordinates of the horizon. Thus, it is determined how high the Moon (*hilal*) at sunset and how many azimuths.

In this system, it is also varied according to the data used and marked with the literature used. The level of accuracy contained in their biblical books varies, causing differences in the results of computation (*hisab*).

As for the literature books that became the refrence marking the results of the calculation of *HisabHakiki* expert adherents who became the characteristic of their system were:

- a. *Al-Qawaidul Falakiyah* compiled by Abd. Fatah Al-Thurkhy.
- b. *Al-Khulasathul Wafiyah* compiled by Kiyai Zubeir.
- c. *Sullam al-Nayyirain* by Muhammad Mansur bin Abdul Hamid bin Muhammad Damiry Al-Batawy.
- d. *Fathur Rauf al-Manan* by Abu Hamadan Abdul Jali bin Abdul Hamid.
- e. Lists based on New Comb and Laverairr.
- f. *HisabHakiki* compiled by BKRT H. Mohammad Wardan.
- g. Nautic Almanac, Royal Greenwich Observatory Herstmanceux Castle, East Suxxex BN 271 RP England.
- h. American Ephemeris Nautical Almanac Office; United States Naval Observatory.

In the *Hisab* system, experts also divide into three categories, namely. (a). *Hisab'Urfi* system, (b). *Hisab Hakiki Tahkiki* system and (c). Contemporary *Hisab* System.

¹³ Alamanak Hisab Rukyat,

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The *Hisab 'Urfi* system is as described above, the simplest principle in determining the beginning of the Qamariyah Month, that is to determine the occurrence of *ijtima* 'before the sunset. In *HisabHakiki Tahkiki* system, in addition to requiring data on the occurrence of *ijtima* 'also requires parallax correction (different view), semidiameter, dip and refraction.

While in the Contemporary *Hisab* system, in addition to being supported by the correction in the *HisabHakiki* system, also the height of the moon, the magnitude of the Moon beam and the distance between the *azimuth hilal* and the Sun *azimuth*.

Of the three systems, in determining the beginning of the month Qamariyah is divided into several groups, namely divided into 6 groups:¹⁴

1. The group that holds to *ijtima 'qabl al-ghurub*

This group will implement it if *ijtima* 'occurs before the sunset, then its to night is considered a new moon. However, if *ijtima* 'occurs after the sunset, then that night and the next day is set as the 30th day that is on going. So, this system does not care with rukyat at all and also does not count the hilal position from horizon. In short, the measure used is whether *ijtima* 'has occurred before sunset or afterwards.

2. Groups that are guided by *ijtima 'qabl al-fajar*

This system adheres to, if *ijtima* 'occurs before dawn, then that night has been the beginning of the Moon, even though at that time the Sun set on that night, *ijtima* 'has not occurred. The reason is because the time of the *ijtima* 'has nothing to do with the sunset, and argues that there is no strong argument that the limit of the day is at sunset. This opinion is solely adhering to pure astronomy and determines when the dawn rises as the beginning of the day. This is in the opinion of understanding Qur'an Al-Baqarah verse 187; which means: "and eat drink until the white thread (light) of dawn appears to you distinct from the black thread (darkness of night)". This system has never been adopted by the computation experts in Indonesia, but allegedly occurred in Saudi Arabia when facing *Aidil Adha*. As was the case in year 1395 H or 1975 M, where Saudi Arabia celebrated on December 12, 1975, being in Indonesia officially fell on Saturday, December 13, 1975, at the time of the *ijtima* 'on December 13, 1975 00.50 GMT or 3.50 local time Mecca.

3. Groups that are guided by the position of the new moon above true horizon.

This group argues, that in order to determine the initial entry of Qamariyah Month, the position of the new moon must already be above *UfukHakiki*. Not taken into account the height of the observer's place. This system is of the opinion that if after the *ijtima* 'hila is

¹⁴ Alamanak Hisab Rukyat, 160.

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already formed above the *Ufuk Hakiki* at sunset, the Sun. Then the night is considered to be entering the new Moon. Conversely, if at the time of the *ijtima* 'hilal is still under *Ufuk*, then it is not considered a new Moon.

4. Groups based on the position of the new moon above Hissi Horizon

This group argues, if at the time the Sun sets after the *ijtima* 'hilal is already above Hissi Horizon, then that night includes the date of the new Moon. For groups who hold on to Hissi Horizon, determine the height of *hilal* measured from above the earth's surface, as the meaning of Hissi Horizon is a flat field through the eyes of the observer and parallel to True Horizon.

5. Groups based on the position of the new moon above *Mar'i Horizon*

Basically this system is the same as that which applies to the *Hisab* system which is based on true horizon and Hissi, which takes into account the position of the *hilal* at sunset after the occurrence of *ijtima* '. It's just that this system assesses the height of the new moon from True Horizon and then adds corrections to the value of the *hilal's* height. The height value is corrected from various things, namely a. from horizon lowness, b. Refraction, c. Semidiameter (radius) and d. Parallax (look different). It can be concluded, that this system takes into account the true position of the new moon (the *hilal Hakiki*), because it has been calculated through several corrections as described above.

6. Groups that are guided by the position of the new moon that may be able to be *rukyat(imkan al-rukyat)*

In this system, it is guided that in determining the new Moon, take into account the criteria of the height of the new moon at sunset after the occurrence of *ijtima* '. The computation (*Hisab*) experts in this group disagree about the criteria of the moon's height which may be able to be *rukyat*. Some say 8°, 7°, 6°, 5° and so on. In the International Conference on determination the beginning of the Qamariyah Month in Turkey in 1978, it was stated that in order to determine whether the moon could be seen there were two (2) conditions, namely:

- a. The height of *hilal* is not less than 5° and the viewing angle (angular distance) between the *hilal* and the Sun is not less than 8°.

The criteria for the last *hilal* height agreed upon and applied in Indonesia are the result of the agreement of the MABIMS meeting (Malaysia, Brunei Darussalam, Indonesia and Singapore), and for Indonesia the provisions of the criteria for *imkan rukyat* are agreed based on the results of the Theologian confrence judgment of *Hisab* Expert and Islamic Organizations on the *Imkan rukyat* Criteria in Indonesia dated 24-26 March 1998 (25-27 *Dzulqa'dah* 1418) at the Cisarua USSU Hotel, Bogor which among other things determined the criteria for the moon's

height which can be *rukyyat* is 2°. Then followed by the deliberation result of the *Imkan Al-Rukyyat* between the Leaders of Islamic Organizations and Indonesian Theologian Assembly at central level with the Minister of Religion on September 28, 1998/7 Jumadil Akhir 1419 in Jakarta, decided among others "If the height of the moon is 2° or more then the beginning of the Moon can be decided".

4. The Concept of Government Decisions Towards the Early of Qamariyah Month

A lot of effort has been made to unite the *hijriyah* or *qamariyah* calendar, but until now it has not produced results. This is because the problem of *rukyyat* and *hisab* as the basis for determining the beginning of the month is very complex, both the problem of the number of people who witnessed seeing the new moon, who the person was, when he witnessed it, need the support of *hisab* or not, which *hisab* can be used as support, *hisab urfi*, *taqribi* and *tahkiki*. What criteria are used as guidelines for the turn of the month, *ijtima'* before sunset, *ijtima'* before midnight, *ijtima'* before daybreak, *wujudul hilal*, *imkan rukyyat*, and *matla'*¹⁵. In other words, the problem faced is not only the person but the theory and method used.

To create the benefit of the people and maintain the integrity and unity of the Indonesian people, it is necessary to establish a system which in the language of Muhyiddin Khazin uses the term school (*mazhab*) of state. This school is certainly endeavored to accommodate various opinions that exist, in addition to keeping in mind the instructions of the Prophet Muhammad and the development of science and technology (computation)¹⁶. In other words, the state school is a state or government that has the power and ability to set the beginning of the month which in this case is represented by the Ministry of Religion. In other words, according to the author that the substance to be conveyed in the state school is the government's decision to determine the beginning of the qamariyah month in Indonesia.

Mahyuddin Nawawi asserted that the issue of *khilafiyah* and the difference in the determination of the beginning of the qamariyah month will be completed if the state plays its role maximally. In other words, what is the problem that becomes the problem of *khilafiyah* in determining the beginning of the month will be able to solve the solution that has been continuing¹⁷. He continued, exemplifying that the Marriage Law and the Compilation of Islamic Law (KHI) which materials are not all received by Indonesian Muslims, for example, the need for permission from wives and judges for married husbands, property and so on. However, it finally

¹⁵ Watni Marpaung, 310.

¹⁶ Watni Marpaung,

¹⁷ Mahyuddin Nawawi, *Menegakkan Mazhab Negara, dalam Choiruk Fuad Yusuf dan Bashori, Hisab Rukyyat Dan Perbedaannya* (Jakarta: Depag RI, 2004), 229.

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went and was accepted because it had become the state's decision to bind all Muslims both those who agreed and those who did not. in principle, the pattern offered and pursued by the government has gone through the process of collecting data to the agreement of various opinions from various mass organizations with the provisions of *istbat hilal*. The *istibat hilal* is a joint provision which should be agreed upon by all Muslims regardless of their viewbackground or organization. However, despite this effort it was difficult to find its realization with ego-centric of organizations.¹⁸

But at least, the government's provisions in an effort to resolve the differences that occur according to Muhyiddin Khazin are carried out by the following steps:¹⁹

1. That until now there are still many computation systems that develop in the community, even between one another sometimes shows the difference in the results of striking calculations, then presumably this state school needs to establish a computation system that can be used as a reference calculation of the *ijtima* 'time and the *hilal* position when the sun sets, namely, the computation when calculating the height of the *hilal* uses ball triangle geometry by observing the position of the moon and the position of the observation place, as well as providing the necessary corrections until the calculation results show the height of the moon mar'i.²⁰

2. Establish the basis for the determination of the beginning of the month of Qamariyah.

As a basis for determining the beginning of the month of Qamariyah, we must pay attention to the instructions of the Prophet Muhammad, namely *rukyyatul hilal bil fi'li* on the 29th day of the month of Qamariyah and pay attention to the development of accurate science and technology, because both methods are evidence that each of them has advantages and deficiency. So that both ways must be used so that they complement each other over existing deficiencies.²¹

3. One of the causes of the difference in the determination of the beginning of the month qamariyah is different criteria for the turn of the month. Even though the results of the computation are the same but if the criteria used are different then the results will be different. Therefore, this government is deemed necessary to determine the criteria for the change of the month of Qamariyah itself. Under the condition:²²

¹⁸ Mahyuddin Nawawi, 231.

¹⁹ Watni Marpaung, *Hisab Imkan Rukyat*, 311.

²⁰ Watni Marpaung,

²¹ Watni Marpaung,

²² Watni Marpaung,

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- a. If according to the accurate computation that the height of the moon above the horizon and the reality of the new moon was successful to be *rukyyat*, then the determination of the beginning of the month based on *rukyyat* supported by computation, so that the age of the month 29 days. Thus this is in line with Hadith:

صوموا لرؤيته وأفطروا لرؤيته²³

Fasting all of you because of the appearance of the new moon (*hilal*), and you break the fast because of the appearance of the new moon.

- b. If according to the accurate computation that the new moon (*hilal*) under the horizon, and the reality of *hilalin* the field was not successful to be *rukyyat* in Indonesia because of cloudy or something, while other countries whose positions is as same as with Indonesia or on the east and have a high *hilal* above the horizon and successful to see the new moon (*hilal*) then determination the beginning of the month was based on the results of the *rukyyat* of other countries. Imam Nawawi emphasized this to his *Syarh Muhazzab*:

إذا رأوا الهلال في رمضان في بلد ولم يروه في غيره فإن تقارب البلدان فحكمهما حكم

بلد واحد ويلزم أهل البلد الآخر الصوم بلا خلاف²⁴

If the *hilal* of Ramadan is seen in a country, while in other countries it is not visible, if the two countries are close then the laws of the two countries are the same, so that for other countries it is obligatory to fast. Such is not disputed.

- e. If according to reckoning that is accurate that the height of the moon above horizon > KPB or at a certain height that is generally *hilal* can be *rukyyat*, but the reality of the new moon is not successful to be *rukyyatin* in Indonesia because there are clouds or the like, while other countries whose position is the same with Indonesia or on the east and has a new moon above the horizon > KPB but also failed to see the new moon, then the determination of the beginning of the month based on computation, that night and the next day was the first date of the following month. Thus the age of 29 days.

²³ Al-Bukhari, *Shahih al-Bukhari*, Juz I (Turki: Maktabah Islamiyah, 1979), p. 326.

²⁴ An-Nawawi, *Al-Majmu' Juz VI* (Mesir: Musthafa Babil Halabi, t.th), p. 273.

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Al-Qusyairi said:

إذا دل الحساب على أن الهلال قد طلع من الأفق على وجه يرى لولا وجود المانع كالغيوم مثلاً فهذا

يقتضى الوجوب لوجود السبب الشرعي²⁵

If computation shows that the moon above the horizon which can usually be seen if there is no obstacle such as cloudy, then this indicates the obligation to fast because of the cause of *syar'iy*.

Al-Ramli Al-Syarwani as quoted by Zubair said that if the *qath`iy* computation shows the moon (*hilar*) and may be *rukyat*, but after *rukyah bil fi`li* is not found *hilar* because of the *mani`* (barrier), then it is enough based on the *imkan rukyat* to determine the turn of the month.²²

4. Making the instruction of Indonesian Theologian Assembly Number 2 of 2004 which regulates the provisions of compliance with the government to follow the decisions and provisions that have been decided by the government, especially the determination of the beginning of the qamariyah month is in fact a reference for all parties to follow it as an official religious institution in Indonesia. In other words, that the compliance and readiness of all parties to follow government regulations in determining the beginning of the qamariyah month is an important key to the occurrence of togetherness.²⁶

In this context, in principle the role of the state becomes strategic to resolve prolonged problems. Efforts to create a law that regulates religious issues in which the issue of determining the beginning of the Qamariyah month is contained in which the resolution of the solution will have a more encouraging impact.

It can be explained for example, Law No. 1 of 1974 and the Compilation of Islamic Law (KHI) affirmed by Mahyuddin Nawawi regarding marriages containing legal material that is not agreed upon by Islamic jurisprudence, joint property, permission of the wife to husband to remarry, regarding the provisions of divorce causes and so on, but after promulgation it was used and obeyed by the community. This is certainly a reflection that after the promulgation the possibility the problem of determining the beginning of the month will be finished. It can be asserted that in fact when the government makes the criteria and formulation regarding the beginning of the early of the Qamariyah month, all the conflicting elements can unite at one meeting point.

²⁵ Ibn Rusyd, *Bidayatul Mujtahid*, Juz I, 242.

²⁶ Watni Marpaung, *Hisab Imkan Rukyat*, 315.

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One strategy of solution that was done by the government to resolve the problem of determining the beginning of the qamariyah month especially the beginning of Ramadhan, the beginning of Shawwal, and the Celebration of Hajj is by issuing strict rules for the all community organization, religious sects in the Indonesian Muslim community to comply with the results of itsbat government decision. In principle, theoretically and rules at the level of fatwa has been issued by the Central MUI Number 2 of 2004. In the fatwa it has been stated that regarding the obedient toward government decision that have been decided, especially the determination of the beginning of the qamariyah month is actually a reference for all parties to obey it as an official religious institution in Indonesia. In other words, all parties must be ready to follow government regulations in determining the beginning of the qamariyah month which is an important key to create the togetherness.

However, because the fatwa is only in the form of an request to Muslims and is not forcing people to be obeydient, it ultimately does not have strong legal force and binds all parties to comply with it. On that basis, the important points of the fatwa that to be considered and rational reasons for issuing government regulations or up to the level of law which regulates the compliance of all Muslims in Indonesia regardless of their respective backgrounds to obey government decisions in determining the beginning of the month of qamariyah. The issuing of various rules concerning Islamic law that still debated, but after the legislation process, the differences are finished and ended. The marriage law, the Zakat Law, the waqf law, up to the KHI, where the contents of article by article do not all refer to the Sunni mazhab, are finally completed and no longer debated after being decided as a regulation. In essence, Indonesia can reflect on neighboring Malaysia, Brunei Darussalam and Singapore which make the provision that for anyone their people have different views please personally but when after the kingdom makes decision, all must obey it. This strategic solution that must be played by the government to resolve prolonged differences can even be called never ending if it is turned over to each stream which refers to two major currents between reckoning and rukyat.

C. CONCLUSION

The realization of government provisions is a new breakthrough that must be realized in the determination of the beginning of the month of Qamariyah in order to bridge the different views of Muslims about the establishment of the beginning of the month. In addition, through the provisions of the government can unite Muslims so that they can carry out worship at the same time without differences. Nevertheless, of course there still needs to be a serious effort to realize it with all the problems and dynamics.

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