

# **Legal Opinion (Fatwa) of MUI (Council of Indonesian Ulama') on Ahmadiyah**

**Saifuddin**

Department of Muamalat, Faculty of Sharia and Law, State Islamic University  
of Sunan Kalijaga Yogyakarta email: saif\_struggler@yahoo.co.id

## **Abstrak**

*Fatwa pada dasarnya tidak mengikat, tetapi pada batas tertentu dapat menimbulkan ekses sosial dan politik. Hal ini karena sebagian besar umat Islam yang 'awam dapat menggunakannya sebagai dasar hukum dan agama untuk melegitimasi tindakan-tindakan mereka, termasuk di dalamnya tindakan-tindakan kekerasan. Hal ini pula yang ditengarai terjadi pada sebagian umat Islam Indonesia ketika menyikapi paham dan pengikut Ahmadiyah. Karena dipengaruhi oleh fatwa MUI, maka mereka menggunakan fatwa tersebut untuk melegitimasi tindakan mereka seperti mengusir, mengejar, membakar bahkan hingga membunuh pengikut Ahmadiyah. Tulisan ini menjelaskan bagaimana MUI mendefinisikan fatwa khususnya tentang Ahmadiyah yang kemudian melahirkan ekses sosial dan politik.*

Kata kunci: fatwa, MUI, Ahmadiyah.

## **A. Introduction**

Ahmadiyah has existed in Indonesia since 1928. They also took a part in struggling for the independence of Indonesia from the colonial domination of Dutch. For about a century, Ahmadiyah could peacefully live together with other social entities in the plural nation of Indonesia.

However, after establishing MUI (July 26<sup>th</sup> 1975), the existence and the doctrines of Ahmadiyah are questioned. Five years after its establishment (1980), MUI released the legal opinion (fatwa) stated that Ahmadiyah is the organization outside Islam, lost and mislead (ضلل مضل). Fatwa on Ahmadiyah was then reproduced at the 7<sup>th</sup> national conference of MUI in Jakarta 24-29 of July 2005.

In the end of 2007, it appeared the discourse to insist the government of Indonesia to produce a law which forbid the

existence of Ahmadiyah in Indonesia. Unfortunately, this is not only the discourse but also applied at violence actions. In one side, some people say that this is the negative impact of fatwa, but in other side, some people support the fatwa concerning Ahmadiyah which is produced by MUI.

Based on above exploration, it is interesting to research the legal opinion concerning Ahmadiyah, to do that it will be purposed some questions, they are: what is fatwa, how does MUI define it, what is the context relative of the fatwa, and what is the target of the fatwa.

To examine the fatwa, the writer uses the content/textual analysis. It is a standard methodology in the social sciences for studying the content of communication. Harold Lasswell formulated the core questions of content analysis: "Who says what, to whom, why, to what extent and with what effect?." Ole Holsti offers a broad definition of content analysis as "any technique for making inferences by objectively and systematically identifying specified characteristics of messages." Kimberly A. Neuendorf offers a six-part definition of content analysis as a summarizing, quantitative analysis of messages that relies on the scientific method (including attention to objectivity-intersubjectivity, a priori design, reliability, validity, generalizability, replicability, and hypothesis testing) and is not limited as to the types of variables that may be measured or the context in which the messages are created or presented. Earl Babbie defines it as "the study of recorded human communications, such as books, websites, paintings and laws".<sup>1</sup> Fatwa here is a kind of laws.

## **B. What is Fatwa?**

A fatwa in the Islamic faith is a religious opinion on Islamic law issued by an Islamic scholar. In Sunni Islam any fatwa is non-binding, whereas in Shi'ah Islam it could be, depending on the status of the scholar.<sup>1</sup>

Based on above definition, fatwa is one of kind of Islamic law (fiqh). As it was known that fiqh could consist of books of fiqh, of comparative law, jurisprudence, laws, legal opinions (fatwa), and other form of law which is binding such as

---

<sup>1</sup> [www.wikipedia.org](http://www.wikipedia.org).

compilation of Islamic law, constitution, codification of law, international treaty, declaration of human right, letters of contract, testament, testimonial, etc.

According to the *ushul al-fiqh* (principles of jurisprudence), the fatwa must meet the following conditions in order to be valid:

1. The fatwa is in line with relevant legal proofs, deduced from Qur'anic verses and hadiths; provided the ahadith was not later abrogated by Prophet Muhammad (pbuh).
2. It is issued by a person (or a board) having due knowledge and sincerity of heart;
3. It is free from individual opportunism, and not depending on political servitude;
4. It is adequate with the needs of the contemporary world.

In the Qur'an, fatwa sometimes appears in the form of word *يسئلونك* see for examples at verses of al-Baqarah: 189, 219, and *يستفتونك* see for examples at verse of al-Nisa': 176. In the hadiths, some of words of Rasulullah came from the questions of sahabat. The following hadiths show that situation:

- كل مسكر حرام
- إنه ليس بدواء، ولكنه داء
- من قاتل لتكون كلمة الله هي العليا فهو في سبيل الله

### C. Fatwa of MUI Concerning Ahmadiyah

In 1980 MUI produced a fatwa (Number: 05/Kep/Munas II/MUI/1980) on Ahmadiyah. Then in 2005, MUI reproduced the same fatwa (Number: 11/MUNAS VII/MUI/15/2005). The complete content of the fatwa is the following:

DECREE OF THE COMMITTEE  
OF THE COUNCIL OF INDONESIAN ULAMA  
Number : 11/MUNAS VII/MUI/15/2005  
On AHMADIYAH

Indonesian Moslem Scholars Council (MUI), at its Seventh National Conference, 19-22 of Jumadil Akhir 1426 H./ 26-29 of July 2005 AD. after

READING :

- a. That until right now, Ahmadiyah keeps trying to develop its doctrines in Indonesia, even though there was a fatwa of MUI and its existence is forbidden;

- b. That the efforts to develop the Ahmadiyah doctrines appeared the restless of society;
- c. That some groups of society ask for re-confirmation of a fatwa of MUI on Ahmadiyah related to the appearance of several opinions and responds from society;
- d. That to fulfill social demand and to keep the pure creed of Islam, MUI thinks to reconfirm the fatwa concerning Ahmadiyah.

REFERRING TO :

1. Word of Allah SWT., "Muhammad is not the father of any of your men, but he is the Messenger of Allah and the last of the Prophets. And Allah is Ever All-Aware of everything. (Al-Ahzab [33]: 40) And verily, this is My straight path, so follow it, and follow not (other) paths, for they will separate you away from His path. This He has ordained for you that you may have Taqwa. (Al- An'am [6]: 153) O you who believe! Take care of yourselves. If you follow the right guidance, no hurt can come to you from those who are in error. The return of you all is to Allah, then He will inform you about (all) that you used to do (Al-Ma'idah [5]: 105)
2. Word of prophet Muhammad S.A.W.; such as: Rasulullah said: No prophet after me (reported by al-Bukhari). Rasulullah said: "the apostolate and prophecy disconnected; therefore, no Messenger or prophet after me (reported by Tirmidzi)

TAKING INTO CONSIDERATION:

1. The decision of Majma al-Fiqh al-Islami, the Organization of Islamic Conference Number 4 (4/2) at its Second Conference in Jeddah, Saudi Arabia, on 10-16 Rabi' al-Tsani 1406 H./22-28 of December 1985 AD. concerning Qodiyaniyah stated that Ahmadiyah followers who believes in Mirza Ghulam Ahmad as a prophet after prophet Muhammad and received a revelation/wahy are apostate and go out from Islam because they refused the certain doctrine of Islam and a consensus of the whole Moslem scholars all over the world that Muhammad s.a.w. as the last Prophet and Messenger.
2. The decision of Majma' al-Fiqh Rabitha' Alam Islami.

3. The decision of Majma' al-Buhuts.
4. The fatwa decision of Second National Conference of MUI in 1980 on Ahmadiyah Qodiyaniyah.
5. The opinions of Committee C about Fatwa Seventh National Conference of MUI in 2005.

By trusting in Allah SWT

DECIDED/ISSUED A FATWA AS FOLLOWS:

1. Reconfirmation the fatwa of MUI at its Second National Conference in 1980 which decided that Ahmadiyah is out of Islam, lost, and mislead, and Muslims who follow are godless.
2. For they who followed Ahmadiyah in order to back to the true teaching of Islam (*al-ruju' ila al-haqq*), that is fitting to the Qur'an and Hadis.
3. The government has obligation to prohibit the spreading of the doctrines of Ahmadiyah in Indonesia, to congeal this organization, and to close all the places of its activities.

This fatwa was released on 22 of Jumadil Akhir 1426 H./29 of July 2005 AD. and signed by KH. Ma'ruf Amin and Hasanuddin. Both are general chairman and general secretary of MUI.

This fatwa is addressed to Ahmadiyah and its followers and the government of Indonesia. For the first address, it judges that Ahmadiyah is a lost and mislead organization, so its followers have to back to the true teachings of Islam. However, the question arises now as to which teaching of Islam the followers of Ahmadiyah have to do, because in Islam itself there are so many schools of thought. For the second address, it asks for the Indonesian government to stop the spreading of Ahmadiyah's doctrines, even to congeal and close the organization.

Concerning to the second address, MUI does not have the power or authority to force the fatwa to apply, therefore, MUI only appeals the Indonesian government to take over the law matters. However, appealing at civil law point of view may not be a problem of law, since the act can just be called the act of law, if it follows or disobey certain rules of law which has sanction. Yet in the Islamic law, the appealing was an act of law, because the

Islamic law does not only relate to obeying or disobeying certain rules that has the sanction, but also to moral.<sup>2</sup>

#### **D. How does MUI define it?**

MUI or Indonesian Muslim Scholars Council is an organization that contains ulama', zu'ama', and intellectual Muslim in Indonesia to conduct, guide, and guard entire Muslims all over Indonesia.

MUI was established on 7<sup>th</sup> of Rajab, 1395 H./26<sup>th</sup> of July, 1975 AD. in Jakarta as a meeting recommendation of ulama', zu'ama', and intellectual Muslim of Indonesia. In the line of devotion of MUI, it was formulated five functions and roles of MUI, e.i:

1. as a heir of prophets tasks (*warasatul anbiya*)
2. as a mufti
3. as a guide and a servant of umat (*ri'ayat wa khadim al ummah*)
4. as a reformation movement (*islah wa al tajdid*)
5. as an upholder of amar ma'ruf nahi munkar

Concerning to the second function and role, i.e. as a mufti, the fatwas are carried out by the Fatwa Committee of the MUI. The committee is given the task of discussing and issuing fatwas on questions of Islamic law as encountered by society. Another mechanism for drawing up fatwas is by discussing the issues at the annual conference of the ulama' held by the MUI. Such a conference, attended by a greater number and wider range of the ulama', addresses issues that call for the drawing up of the fatwas and, having agreed on certain issues and having provided the arguments, lists and submits the issues to the Fatwa Committee that later pronounces on them in the proper form.<sup>3</sup>

The format of the fatwas is invariably to commence with a statement to the effect that the committee has held meetings on certain days in response to certain questions posed by certain individuals or institutions. This is followed by the arguments on

---

<sup>2</sup> Atho Mudzhar, "Studi Hukum Islam dengan Pendekatan Sosiologi; Pidato Pengukuhan Guru Besar Madya Ilmu Sosiologi Hukum Islam", Yogyakarta, September 15<sup>th</sup> 1999, hlm. 23.

<sup>3</sup> Mohammad Atho Mudzhar, *Fatwas of The Council of Indonesia Ulama: A Study of Islamic Legal Thought in Indonesia 1975-1988*, (Jakarta: INIS, 1993), hlm. 68-69.

which a fatwa is based. The arguments for different fatwas vary in length and depth. For most fatwas the argument is opened with the Qur'anic bases followed by relevant hadiths and quotations from Arabic fiqh texts. Rational arguments are also supplied in support. even there are a little fatwa that do not employ proposition at all. After showing the considerations, the statement of fatwa is placed in the final part of the decree. Thus, it can be concluded that fatwa methodologically does not follow a certain pattern.<sup>4</sup>

Theoretically, the order of sources of determining Islamic law (*istinbath al-ahkam*) applied in Indonesia is the order according to Shafi'i school of law, i.e.: al-Qur'an, hadiths, ijma', and qiyas. However, at practical side, such a methodological procedure is not always followed.<sup>5</sup>

Fatwa concerning Ahmadiyah methodologically refers to some verses of al-Qur'an and some hadiths. The verses used as bases of argumentation are Al-Ahzab [33]: 40, Al- An'am [6]: 153, and Al-Ma'idah [5]: 105. Whereas some hadiths used are "No prophet after me" and "the apostolate and prophecy disconnected; therefore, no Messenger or prophet after me. In this occasion, I will analyze the employing of some verses of al-Qur'an and some hadiths.

The occasion of revelation of this verse Al-Ahzab: 40 comes from the report of Muhammad ibn 'Imarah tells the story of Zaid ibn Haritsah. The verse abrogates the status of him as a son in law of prophet Muhammad. By this abrogating it does not forbidden for Muhammad to marry ex-Zaid's wife, because he is not a Zaid's father but the last prophet, and no one after Muhammad could be a prophet. Another report comes from Bisyr stated that it is not only about Zaid (step son of Muhammad), but also about Qasim, Ibrahim, Thayyib, and Muthahhir (sons of Muhammad).<sup>6</sup>

There is a deviation of reading words خاتم النبيين. Egyptian reading except Hasan and 'Ashim recites ت of خاتم by kasrah,

---

<sup>4</sup> *Ibid.*, hlm. 69.

<sup>5</sup> *Ibid.* hlm. 140.

<sup>6</sup> At-Tabari, *Tafsir at-Tabari*, vol. 8, chapter 22, (Beirut: Dar al-Fikr, 1398 H./1978 AD), hlm. 12-13..

whereas Hasan and 'Ashim recite خاتم of ت by fathah.<sup>7</sup> According to Ahmadiyah Qodiyaniyyah, the word *khatam* is different with *khatim*. For them, *khatim* would mean the last, but *khatam* means seal.<sup>8</sup> Based on this definition, Qodiyani believes that Muhammad peace be upon him is the great Messenger, but Mirza Ghulam Ahmad is also a prophet after him.

This faith is not only opposed by Sunni Islam, but also Ahmadiyah Lahore. They believe in that Muhammad is the last prophet and Mirza Ghulam Ahmad is only a reformer. According to them, Mirza Ghulam Ahmad never proclaims himself as a prophet. His statement is stated at Tafsir Qanun Asasi as a following:

"I never confess as a prophet, my confession is only as a *muhaddats* and it is based on the command of Allah. If it is called as a prophecy in allegorical meaning or "nabi juz'i" (a part of prophecy), so this confession does not mean a confession as a prophet".<sup>9</sup>

Al-Tabari explained some reports of the occasion of verse Al-An'am: 153, one of them are report from Ibn Abbas stated that we Muslim should establish religion and make no divisions in it. This command is similar to the command in the Qur'an stated that Allah commanded the believers to adhere to the Jama`ah and forbade them from causing divisions and disputes. He informed them that those before them were destroyed because of divisions and disputes in the religion of Allah. Another report from Ibn Zaid stated that the meaning of صراطه and سبيله is Islam, so never follow another way except Islam.<sup>10</sup>

The verse of Al-Maidah: 105 explains that Allah commands His believing servants to reform themselves and to do as many righteous deeds as possible. He also informs them that whoever reforms himself, he would not be affected by the wickedness of the wicked, whether they were his relatives or otherwise. Al-Tabataba'i (1321 H-1402 H) stated that this verse commands mu'minin in order to always keep going a way which leads to a

<sup>7</sup> *Ibid.*, hlm. 13.

<sup>8</sup> Mirza Bashiruddin Mahmud Ahmad, *Invitation to Ahmadiyah* (Rabwah: Ahmadiyya Muslim Foreign Mission Office, 1968), hlm. 16.

<sup>9</sup> *Tafsir Qanun Asasi*, (T.tp., Gerakan Ahmadiyah Indonesia, tt.), hlm. 89.

<sup>10</sup> Al-Tabari, *Tafsir*, vol. 5, chapter 8, hlm. 65.



guidance. They are never influenced by a way of whom will lead them to be lost.<sup>11</sup>

Related to the hadiths "No Messenger after me" used by MUI, Qadiyani interpreted the word "*ba'd*" by meaning "take place" or "comparable with". Mirza Bashiruddin Mahmud Ahmad said:

"The important word there is the after (*ba'd*). Strictly speaking a thing comes after another thing only when the first thing is finished and gone, so that the second thing can take its place".<sup>12</sup>

According to Qadiyani, the word "*la nabiyya ba'd*" at the hadiths contains understanding that no prophet who can take place the position of Muhammad peace be upon him as the greatest prophet with the status *khatam al-nabiyyin*. Prophets who come after him are only continuators of Islamic shariah and are not function as law-giver of a new one. According to M. Zafrulla Khan, the word *ba'd* also means "instead of" as he stated:

"We believe that the Qur'an is the Last Book and final law and that after it there can be no prophet till the end of days, in the sense of law-giver or recipient of the word of God independently of the Holy Prophet peace be upon him. As God Almighty has pronounced the Holy Prophets. He implies that because of his spiritual eminence..."<sup>13</sup>

From these propositions, MUI decided that Ahmadiyah in Indonesia is lost and mislead (ضل مضل). So the key word of the fatwa is *dhalal*. The questions arise now as to what is lost (ضلال), who has authority to decide that this is lost or not, can a human being or an organization decide it, etc. if we study al-Qur'an as a main source of Muslim life, we can find some terms of *dhalal* in it. There are 191 terms *dhalal* at al-Qur'an, there are 26 terms *dhalla*, *tadhilla* (al-Baqarah: 282), *dhalalna* (al-Sajadah: 10), *dhallu*, *adholla*, *dhallan* (al-Dhuha: 7), *al-dhollin* (al-Fatihah: 7 and al-Syu'ara': 20), and *tadhilil* (al-Fil: 2).

---

<sup>11</sup> Al-Sayyid Muhammad Husain al-Tabataba'i, *al-Mizan fi Tafsir al-Qur'an*, vol. 6, (Beirut: Muassasah al-'Alami al-Matbu'at, 1972), hlm. 162-164.

<sup>12</sup> Ahmad, *Invitation*, hlm. 17.

<sup>13</sup> Muhammad Zafrulla Khan, *Ahmadiyyat The Renaissance of Islam*, (Rabwah-Pakistan: Tabshir Publication, 1978), hlm. 43.

The term *dhalal* itself ethimologically has some meanings: disappear, dead, hidden, useless, destroyed, false, forget, lost, confused, and antonym of *hidayah* (guidance).<sup>14</sup> Epistemologically, it is turning about a right and straight way, or an antonym of *hidayah*.<sup>15</sup>

There are seven kinds and characteristics of *dhalal* in the Qur'an. They are 1) *dhalal* that is related to the faith, 2) that is related to the worship, 3) that is related to the social interactions, 4) that is related to the moral/attitude, 5) that is related to the reason/thought, 6) that is related to the law, and 7) that is related to the economy.<sup>16</sup>

The fatwa of MUI concerning Ahmadiyah can be included into the first kind. However, the first kind usually refers to the following suras, they are al-Nisa': 136 & 88, al-Maidah: 12, al-Ahzab: 36, Ali-Imran: 167, al-Munafiqun: 1, al-An'am: 21, al-Qasas: 59, al-'Ankabut: 49, al-Naml: 27. The case of Ahmadiyah disconnected to all above suras. For example sura al-Nisa': 136 stated that the people who lost are those disbelieve in Allah, His Angels, His Books, His Messengers, and Hereafter.

The question is, is Ahmadiyah in Indonesia like what MUI defined. The explanation of Centre Board of Jama'ah Ahmadiyah Indonesia can be a measurement. There are 12 statement of Indonesia Ahmadiyah followers about their faith, they are:

1. We are Indonesia Ahmadiyah since beginning believe and say the testimony of faith (syahadat) as it is thought by a greatest prophet Muhammad peace be upon him, "there is no true god except Allah, and that Muhammad is the Messenger of Allah".
2. since beginning we are Indonesia Ahmadiyah believe that Muhammad is *Khatamun Nabiyyin* (the last prophet).
3. Among our beliefs that Hadhrat Mirza Ghulam Ahmad is a teacher, mursyid, news, remembrance, and mubasysyirat barrier, founder, leader of Indonesia Ahmadiyah who has a

---

<sup>14</sup> Abu al-Fadl Jamal al-Din Muhammad ibn Mukarram ibn Manzur ibn Ali ibn Ahmad al-Ansari al-Afriqi al-Misri, *Lisan al-'Arab*, 1<sup>st</sup> edition, vol. 11, (Beirut: Dar Sadr, 1990), hlm. 390-394

<sup>15</sup> Al-Ragib al-Asfahani, *Mufradat Alfaz al-Qur'an*, 3<sup>rd</sup> edition, (Damaskus: Dar al-Qalam, 2002), hlm.509.

<sup>16</sup> Aibdi Rahmat, *Kesesatan Dalam Perspektif al-Qur'an: Kajian Tematik Terhadap Istilah "Dalal" dalam al-Qur'an*, (Yogyakarta: Pustaka Pelajar, 2007), hlm. 116-165.

duty to strengthen dakwah and syi'ar of Islam that is brought by prophet Muhammad peace be upon him.

4. To clarify that mean of the word of Rasulullah at 10 conditions of bai'at which have to read by every candidate of Ahmadiyah follower is Muhammad peace be upon him, so we stuck the word Muhammad in front of the word Rasulullah.
5. We are Ahmadiyah followers believe that there is no wahy after al-Qur'an al-karim that is sent down to prophet Muhammad. Al-Qur'an and Sunnah of prophet are source of Islamic teaching that have to hold on.
6. The Book Tadzkirah is not a holy book of Ahmadiyah, it is only a documentation of spiritual experience of Hadhrat Mirza Ghulam Ahmad that is codified and named Tadzkirah by its followers in 1935, that is 27 years after his death (1908).
7. We are Ahmadiyah followers never and will not condemn Muslim out side Ahmadiyah as kafir, either by saying or action.
8. We are Ahmadiyah followers never and will not call mosques that we built by the name of Ahmadiyah's mosques.
9. We state that every mosque built and organized by Ahmadiyah followers is always opened for every Muslim from any group.
10. We are Ahmadiyah followers as Muslim do the marriage documentation at the office of religious affairs and we apply the divorce matters and others at the office of religious court as suitable as laws.
11. We are Ahmadiyah followers will always keep increasing silaturahmi and cooperate with all groups of Muslim and of societies as a social dedication to the progress of Indonesia.
12. By this explanation, we are the centre board of Indonesia Ahmadiyah hope especially to Ahmadiyah followers and generally to Muslim mankind and Indonesian people in order to be able to understand it by spirit of Muslim brotherhood and the unity of Indonesia.<sup>17</sup>

If it is connected to the above explanation and the term *dhalal* in the Qur'an that is related to the faith, it could not be concluded that Ahmadiyah was lost, because the Ahmadiyah followers still believe in Allah, His Angels, His Books, His

---

<sup>17</sup> [www.google.com/Konferensi](http://www.google.com/Konferensi) Pers Amir Jemaat Ahmadiyah Indonesia di Baitul Quran.

Messengers, and Hereafter, as same as other Indonesian Muslims.

**E. What is the relative context of the fatwa concerning Ahmadiyah to which is produced by MUI?**

Fatwa, truly, is non-binding but it does not bear extently social and political impact, because some of common Indonesian Muslim (*'awam*) can employ it as a legal and religious base to legitimize their actions. Finally, it can be imagined what will happen, they do violence in the name of fatwa, in the name of God, in the name of Islam, in the name of *li i'lai kalimatillah*.

Concerning the impact of the fatwas to social life is not easy to exactly prove, but according to Atho Mudzhar, the typology can be constructed from which inferences may be drawn. According to him, at least there are five typologies. Firstly, there are fatwas which received a high degree of publicity but triggered no controversy. Secondly, there are fatwas which neither received moderate publicity nor much reaction from society, these fatwas were received by Muslims without much notice. Thirdly, there are fatwas which received moderate publicity and triggered controversy but only within the Muslim community, while the government remained neutral. Fourthly, there are fatwas which received a high degree of publicity but triggered only a moderate controversy, while the government was in favor of the fatwa. Finally, there are fatwas which both received a high degree of publicity and triggered a high degree of controversy, while the government was opposed to the fatwas.<sup>18</sup>

From above typology, we can include the fatwa on Ahmadiyah into the third one, namely fatwa which received moderate publicity and triggered controversy but only within the Muslim community, while the government remained neutral.

Fatwa concerning Ahmadiyah at some extent bore social conflict among Indonesian Muslims. In Lombok, some houses of Ahmadiyah followers are burn, in Parung Bogor, West Java, some houses and a mosque of Ahmadiyah are also burn, some Ahmadiyah followers are chased and hunted, so that they (followers of Ahmadiyah) feel not save in the state that has a constitution which guarantee all people in it without looking at

---

<sup>18</sup> Mudzhar, *Fatwas*, hlm. 123.

the religion, faith, ethnic, tribe, and other social status. Kiai Maman Imanulhaq, one of boards of NU, questioned the attitude of some groups that not respect the diversity, whereas all religions teach the differences, but in frame of harmony. He stated "what kind of religion that is used to burn the mosque? What kind of religion that is used to chase some people away from this plural earth.<sup>19</sup>

Allah s.w.t. Himself states in al-Maidah: 33

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِّنْ خَلْفٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ۚ ذَٰلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا ۗ وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ ﴿٣٣﴾

Allah threatens those who against Him and His messenger, and also who does damage and violence on earth by the great punishment. There is no reason to anyone to do violence moreover to kill another people because of the different opinion or even faith. The right to pull out the soul is only had by Allah.

However, a product of law in Indonesia must not be contradicted to the constitution of the state, Pancasila and 1945 constitution, because both are the highest law of Indonesia and the consensus of Indonesian people to protect equality all Indonesian people before law. If some laws contradicted to both, they must be canceled.

## F. Conclusion

From the previous discussion, it can be concluded that *First*, Ahmadiyah was not lost, because the Ahmadiyah followers still believe in Allah, His Angels, His Books, His Messengers, and Hereafter, as same as other Indonesian Muslims. *Second*, fatwa, truly, is non-binding but it does not bear extensively social and political impact. At some extent, it bore social conflict among

<sup>19</sup> [www.VHRmedia.com/](http://www.VHRmedia.com/)May 8, 2008/ Kiai NU Ragukan Fatwa MUI

soal Ahmadiyah

Indonesian Muslims. The Ahmadiyah followers became victim, their houses were burn, some Ahmadiyah followers were chased and hunted, even killed. We have to stop it, because there is no reason to anyone to do that.

### **Bibliography**

- Ahmad, Mirza Bashiruddin Mahmud, *Invitation to Ahmadiyah*, Rabwah: Ahmadiyya Muslim Foreign Misson Office, 1968.
- al-Asfahani, al-Ragib, *Mufradat Alfaz al-Qur'an*, 3<sup>rd</sup> edition, Damaskus: Dar al-Qalam, 2002.
- al-Misri, Abu al-Fadl Jamal al-Din Muhammad ibn Mukarram ibn Manzur ibn Ali ibn Ahmad al-Ansari al-Afriqi, *Lisan al-'Arab*, 1<sup>st</sup> edition, vol. 11, Beirut: Dar Sadr, 1990.
- al-Tabataba'i, al-Sayyid Muhammad Husain, *al-Mizan fi Tafsir al-Qur'an*, vol. 6, Beirut: Muassasah al-'Alami al-Matbu'at, 1972.
- At-Tabari, *Tafsir at-Tabari*, vol. 8, chapter 22, Beirut: Dar al-Fikr, 1398 H./1978 AD.
- Khan, Muhammad Zafrulla, *Ahmadiyyat The Renaissance of Islam*, Rabwah-Pakistan: Tabshir Publication, 1978.
- Mudzhar, Atho, "Studi Hukum Islam dengan Pendekatan Sosiologi; Pidato Pengukuhan Guru Besar Madya Ilmu Sosiologi Hukum Islam", Yogyakarta, September 15<sup>th</sup> 1999.
- Mudzhar, Mohammad Atho, *Fatwas of The Council of Indonesia Ulama: A Study of Islamic Legal Thought in Indonesia 1975-1988*, Jakarta: INIS, 1993.
- Rahmat, Aibdi, *Kesesatan Dalam Perspektif al-Qur'an: Kajian Tematik Terhadap Istilah "Dalal" dalam al-Qur'an*, Yogyakarta: Pustaka Pelajar, 2007.
- Tafsir Qanun Asasi*, T.tp., Gerakan Ahmadiyah Indonesia, t.t.
- [www.google.com/Konferensi Pers Amir Jemaat Ahmadiyah Indonesia di Baitul Quran](http://www.google.com/Konferensi_Pers_Amir_Jemaat_Ahmadiyah_Indonesia_di_Baitul_Quran).
- [www.VHRmedia.com./May 8, 2008/](http://www.VHRmedia.com/) Kiai NU Ragukan Fatwa MUI soal Ahmadiyah

