

The Problem of Non-Muslims Witnessing the Hilal: Perspectives of Fiqh, Religious Court Judges, and Thomas Djamaruddin

¹Zulfian Wanandi, ²Nur Afdal Purnama Putra, ³Ulit Albab Al-Pateni, ⁴Yusuf Nur Qalbi, ⁵Kurniawan, ⁶Haikal Rivaldi

^{1,3,4} Universitas Islam Negeri Walisongo Semarang

² Universitas Islam Negeri Alauddin Makassar

^{5,6} Universitas Islam Negeri Mataram

¹zulfian2710@gmail.com ²afdalpurnama692@gmail.com ³ulilbab80747@gmail.com

⁴yusufnqmicro98@gmail.com⁵daengkurniawan042@gmail.com

⁶180204007.mhs@uinmataram.ac.id

ARTICLE INFO

Article history:

Submitted Sep 06, 2024

Accepted Des 30, 2024

Published Jun 01, 2025

Keywords:

Testimony

Hilal in the room,

Non-Muslim

This is an open-access article under the CC-BY-SA License.



ABSTRACT

The position of non-Muslim testimony in the rukyat hilal has long been a discussion in astronomy, a very popular problem is what if the witness is indeed an expert in the field of astronomy and observation of celestial bodies. Therefore, this study aims to study the strength of the testimony of a non-Muslim witness in observing the hilal at the beginning of the hijri month by using the views of several figures, to achieve this goal the author in his research uses a qualitative research method with an analysis of several literature sources and also interview sources from related figures, the conclusion of this paper is the position of non-Muslim witnesses in the testimony of the hilal at the beginning of the month Hijri is acceptable but his position as a witness to the case and not a legal witness, another view says that his position is the same as the position of the camera in recording the image of the hilal.

ARTICLE INFO

ABSTRACT

Kedudukan kesaksian non-Muslim dalam rukyat hilal telah lama menjadi diskursus dalam ilmu falak, problematika yang sangat populer adalah bagaimana jika saksi tersebut adalah seseorang yang memang seorang ahli dalam bidang astronomi dan

Keywords:

Kesaksian,
Rukyat Hilal,
Non-Muslim

pengamatan benda langit. Olehnya itu penelitian ini bertujuan untuk mempelajari kekuatan persaksian dari seorang saksi non-Muslim dalam pengamatan hilal awal bulan hijriah dengan menggunakan pandangan dari beberapa tokoh, untuk mencapai tujuan tersebut penulis dalam penelitiannya menggunakan metode penelitian kualitatif dengan analisis terhadap beberapa sumber kepustakaan dan juga sumber wawancara dari tokoh terkait, adapun kesimpulan dari tulisan ini adalah kedudukan saksi non-Muslim dalam persaksian hilal awal bulan hijriah dapat diterima tetapi kedudukannya sebagai saksi kasus dan bukan saksi hukum, pandangan lain mengatakan kedudukannya sama dengan kedudukan kamera dalam merekam citra hilal.

INTRODUCTION

The discourse on determining the beginning of the lunar month has always been a progressive topic for scientific discussion. Determining the beginning of the Hijri month is important because it concerns the worship of Muslims. In general, there are two methods used to determine the beginning of the lunar month, namely hisab and rukyat.

In the context of rukyat hilal, the testimony of a rukyat observer or witness is not automatically accepted by religious court judges. This is different from the situation during the time of the Prophet, where rukyat reports from Muslims were accepted unconditionally. Nowadays, some rukyat experts require that rukyat results must always be consistent with or supported by hisab results.⁶ Therefore, there are several requirements that must be met by a martyr or witness of rukyat, both formally⁷ as well as material.⁸ Among the material requirements that must be fulfilled by a rukyat (hilal observation) witness is the ability to personally explain and confirm that they have seen the crescent moon with their own eyes or through the use of instruments. However, this requirement remains general in nature, as the use of such instruments is still subject to debate. What types of instruments can legitimately be used by rukyat witnesses as the basis for

claiming that the crescent moon has been sighted.¹

Recently, there has been an initiative from moon observers regarding the observation of the crescent moon during the day. Two figures often mentioned in this observation are Thierry Legault and Martin Elsasser. Both are researchers from Western countries, Thierry Legault from France and Martin Elsasser from Germany. One of them even came to Indonesia to share his knowledge in the field of astrophotography, particularly related to determining the beginning of the lunar month, as reported by kompasiana.com.

Thierry Legault, who served as a guest speaker at the Astrophotography Workshop held on April 26-28, 2014, has fulfilled the instruments and procedures for conducting rukyatul hilal. With the technology he uses and his scientific knowledge, Thierry Legault has been able to convince other observers of the results of his astrophotography. He is also recorded as the world record holder for photographing an extremely thin moon in 2013. He successfully photographed the new moon during a geocentric conjunction, with an angular elongation of just 4.25°. This record broke his own previous record of photographing the new moon at an elongation of 5.3°, which he achieved on April 14, 2010, at 12:39 GMT. This record also surpassed that of Martin Elsasser, a German astrophotographer who photographed the new moon at an angular elongation of 5° in 2008.²

Of course, neither of them are Muslims, so what is the argument if both of them succeed in seeing the crescent moon, whereas the requirement for witnessing the crescent moon is that one must be a Muslim and have professed the creed. These

¹Siti Muslifah, "Saksi Rukyatul Hilal Dengan Bantuan Teknologi (Analisis Penggunaan Teleskop CCD Imaging Dan Olah Citra)," digilib.uinkhas.ac.id/ (Jember, 2018).

²Abu Dzar Al Ghifari, "Analisis Hasil Rukyat Dan Kesaksian Non Muslim Dalam Persepektif Fiqh Hisab Rukyat: Studi Kasus Pengamatan Thierry Legault Di Indonesia Dengan Astrofotografi" (Universitas Islam Negeri Walisongo Semarang, 2019), h. 34.

two things can only be done by Muslims. The issue of testimony by non-Muslims is still debated today, even if the non-Muslim is an expert, so the author will discuss the issue of non-Muslim testimony in seeing the crescent moon.

METHOD

The research method used in this study was qualitative research, which is descriptive in nature and focuses on in-depth observation. Data collection techniques were conducted through literature research, namely books, articles, and similar data, as well as through interviews with relevant sources.

RESULTS AND DISCUSSION

Definition of Rukyat Hilal

Literally, rukyat means seeing with one's own eyes. In fiqh terminology, however, rukyat is often used specifically in the context of rukyatul hilal, which refers to the act of sighting the crescent moon with the naked eye after sunset on the 29th day of the lunar month. This observation must be carried out by a trustworthy person whose report and testimony are deemed acceptable, so that the beginning of the new month can be officially declared based on the rukyat.³

In the context of determining the beginning of the lunar month, the activity of observing the crescent moon—the thin new moon visible after conjunction—is conducted at sunset (maghrib). Such observations are carried out at the end of the month to determine whether the following day marks the beginning of a new lunar month (if the crescent moon is visible) or remains part of the previous month (the 30th day, if the crescent moon is not visible).

Ahmad Izuddin explained that if rukyat (hilal observation) is unsuccessful—either because the crescent moon is not yet visible or due to cloudy weather—then the

³Tono Saksono, Mengkompromikan Rukyat Dan Hisab (Jakarta: Amhytas Publica, 2007), h. 71.

determination of the beginning of the lunar month must be based on *istikmal* (completing the month to thirty days).⁴

Susiknan Azhari divides the concept of *rukyat* into three main categories. The first refers to physical sight, which can be performed by anyone. The second is intuitive perception, and the third is intellectual or knowledge-based sight, which can only be achieved by those who possess sufficient knowledge. This classification is based on the fact that the root word of *rukyat* in the Qur'an, *ra'a*, along with its derivatives, appears 187 times—78% (146 occurrences) of which refer to cognitive or intellectual seeing (*rukyat bi al-'ilm*), while 22% (41 occurrences) denote visual sight. In the hadith corpus, the word *rukyat* appears 62 times, and when its derivatives are included, it is mentioned a total of 195 times.⁵

According to Muhyiddin Khazin, in astronomy, the crescent moon is the portion of the Moon that appears illuminated from Earth due to the reflection of sunlight shortly after the *ijtima'* (conjunction). This crescent serves as an indicator of the transition between lunar months. If the crescent is visible after sunset, then that night and the following day mark the beginning of the new lunar month.⁶

Testimony and Witnesses in Rukyatul Hilal

In the General Dictionary of the Indonesian Language, a witness is defined as a person who knows of or directly observes an event. It can also refer to someone who is asked to be present at an event to observe it, so that, if necessary, they can later provide testimony confirming that the event actually took place. Meanwhile, testimony refers to the information or

⁴Ahmad Izzuddin, *Fiqh Hisab Rukyat Menyatukan NU & Muhammadiyah Dalam Penentuan Awal Ramadhan, Idul Fitri Dan Idul Adha* (Semarang: Erlangga, 2007), h. 4.

⁵Ahmad Adib Rafiuddin, *Kalender Islam Global* (Semarang: CV Sarana Perkasa, 2021), h. 68.

⁶Muhyiddin Khazin, *Kamus Ilmu Falak* (Yogyakarta: Buana Pustaka, 2005), h. 30.

statement given by the witness.⁷

In Arabic, a witness is referred to as *al-shahadah*, which is the *masdar* (verbal noun) of *syahida*, while its synonym *al-syuhud* means *al-hudur* (presence). Literally, the term denotes “being present.” Terminologically, it refers to the statement of a trustworthy person intended to establish the truth through testimony in a court of law.⁸

According to Ibn Qadhi Syuhbah, testimony is defined as information conveyed by a person who is present because their statement is required by others. Meanwhile, Ahmad Fathi Bahansy defines testimony as a declaration derived either from direct observation or from knowledge obtained through others, provided that the information has become widely known. Another definition describes it as “the reporting of a person’s rights over another, whether those rights belong to Allah or to human beings.”⁹

According to Wahbah al-Zuhaili, a witness is a report or statement from a trustworthy person intended to establish a truth or a right by using the term *syahadah* (testimony) before a panel of judges (court). According to Sayyid Sabiq, testimony (*syahadah*) is derived from the word *musyahadah*, which means “to see with one’s own eyes.” It refers to a person’s declaration concerning something of which they have direct knowledge.¹⁰

In the context of *rukyat*, the testimony of a *perukyat* (observer) or *syahid* (witness) is not automatically accepted by

⁷W.J.S Poerwadarmita, Kamus Umum Bahasa Indonesia (Jakarta: PN Balai Pustaka, 1976), h.852.

⁸Irma Sri Handayani, “Kesaksian Non Muslim Di Pengadilan Agama Bukittinggi Dalam Tinjauan Filosofis Hukum Islam (Studi Perkara Perdata Nomor 500/Pdt.G.2012/Pa.Bkt Di Pengadilan Agama Bukittinggi)” (Institut Agama Islam Negeri (Iain) Bukittinggi, 2018), h. 19.

⁹Ahmad Fathi Bahansy, *Nasyriyatul Isbat Fil Fiqhil Jina’I Al-Islami*, Alih Bahasa Usman Hasyim Dan Ibnu Rachman (Yogyakarta: Andi Offset, 1984), h. 1.

¹⁰Sayyid Sabiq, *Fiqih Sunnah* 14, Terj. Muhammad Nabhan Husein (Bandung: PT Al ma’arif, 1980).

religious court judges. This differs from the situation during the time of the Prophet Muhammad (peace be upon him), when *rukyat* reports from Muslims were accepted without condition.¹¹

In *rukyatul hilal*, witnesses are categorized into two types. The first type refers to a person or group of people who possess direct knowledge, report having sighted the hilal, and are sworn in by a judge. The second type refers to a person who witnesses or observes those who report and are sworn in by the judge. Therefore, valid testimony in *rukyatul hilal* refers specifically to the first type of witness.¹²

Requirements for Witnesses in Rukyatul Hilal

The book Guidelines and Procedures for Itsbat Rukyatul Hilal outlines the requirements for a syahid or perukyat of the hilal, namely:¹³

1. Formal Requirements

The requirements for a syahid or perukyat of the hilal include being of sound mind and mature (baligh), a Muslim, male or female, able to perform *rukyatul hilal*, honest, fair, and trustworthy. In addition, more than one person should participate in the *rukyatul hilal*, and each witness must take an oath of testimony for *rukyatul hilal* before the Religious Court or Sharia Court, in the presence of two witnesses.

2. Material Requirements

The observer must personally explain and witness the crescent moon with their own eyes, using appropriate instruments to confirm their sighting. The observer should possess a clear understanding of how to observe the crescent,

¹¹Muslifah, "Saksi Rukyatul Hilal Dengan Bantuan Teknologi (Analisis Penggunaan Teleskop CCD Imaging Dan Olah Citra)", h. 33.

¹²Ghafari, "Analisis Hasil Rukyat Dan Kesaksian Non Muslim Dalam Persepektif Fiqh Hisab Rukyat : Studi Kasus Pengamatan Thierry Legault Di Indonesia Dengan Astrofotografi," h. 41

¹³Mahkamah Agung RI Direktorat Jendral Badan Peradilan Agama, "Pedoman Tata Cara Pelaksanaan Itsbat Rukyat Hilal," badilag.mahkamahagung.go.id, 2023.

including the correct timing, location, direction, and position of the hilal, as well as the brightness of the sky or horizon at the moment of visibility. Furthermore, the observer's description of the observation results must be reasonable and consistent with common sense.

The Opinions of the Imams of the Madhhabs on the Sighting of the Crescent Moon

1. Imam Shaf'i

The Shaf'i school of thought holds that the sighting of the crescent moon for Ramadan or Shawwal is valid with the testimony of one just person, provided that he is a Muslim, of sound mind, and upright, regardless of whether the sky is clear or cloudy. The witness must therefore be a Muslim, of sound mind, male, free, and just. This opinion is based on the hadith in which Ibn Umar reported that he saw the crescent moon and informed the Prophet Muhammad (peace be upon him), who then began fasting and instructed the people to do the same. There is also a hadith concerning the testimony of a Bedouin, which supports this position.¹⁴

2. Imam Ahmad Bin Hambal

The Hanbali school of thought holds that the sighting of the crescent moon for Ramadan may be established based on the testimony of a single just witness, whether male or female. However, the beginning of Shawwal requires the testimony of two just witnesses. This distinction reflects the Hanbali emphasis on ensuring certainty in determining the end of the fasting month.¹⁵

3. Imam Hanafi

In determining the beginning of the lunar month, the Hanafi school of thought allows the testimony of numerous people when the sky is clear, while the specific number and

¹⁴ Muslifah, "Saksi Rukyatul Hilal Dengan Bantuan Teknologi (Analisis Penggunaan Teleskop CCD Imaging Dan Olah Citra)," h. 46

¹⁵ Muhammad Jawad Mughniyah, *Fiqih Lima Mazhab* (Jakarta: PT Lentera Basritama, 1996), h. 171.

procedural details are left to the discretion of the imam. However, if the sky is cloudy or obscured, it is sufficient for the imam to accept the testimony of one just, mature, and sane man or woman. For the determination of Shawwal, the Hanafi school requires the testimony of two male witnesses or one male and two female witnesses.¹⁶

4. Imam Malik

There are three types of witnesses for the sighting of the Ramadan crescent. The first consists of two just individuals – men who are free, mature, and of sound mind, and who are free from major or minor sins that would tarnish their integrity (muru'ah). The second type involves a collective sighting by a group of people whose collaboration in falsehood is inconceivable. The third occurs when the crescent moon is seen by only one person; in such a case, the sighting is not established for the general public but applies only to the individual or those who accept their report. According to the Maliki school of thought, the crescent moon can only be established through the testimony of two just witnesses, without distinguishing between the crescent of Ramadan and that of Shawwal, or between clear and cloudy skies.¹⁷

Based on the opinions of the aforementioned madhhab imams, it can be concluded that the majority of jurists require that witnesses providing rukyat testimony must be honest and trustworthy. However, differences arise concerning the required number of witnesses. The Maliki school stipulates the presence of two just witnesses, whereas the Shafi'i and Hanbali schools consider the testimony of a single just witness sufficient for the sighting of the crescent, regardless of whether the sky is clear or not (in the Shafi'i view). In contrast, the Hanbali school does not accept the testimony of only one witness when the sky is obscured. Regarding the testimony of women, only the Hanafi and Hanbali schools of thought recognize and accept it.

¹⁶Muhammad Jawad Mughniyah, *Fiqih Lima Mazhab*, h. 171.

¹⁷Muhammad Jawad Mughniyah, *Fiqih Lima Mazhab*, h. 171.

Testimony of a Non-Muslim Witness to the Crescent Moon

The current era of globalization has made human life increasingly complex, with integration occurring across all aspects of society. For instance, residential areas are no longer exclusively inhabited by Muslims but are now shared with non-Muslim residents. Consequently, the potential for disputes between Muslims and non-Muslims remains a possibility.¹⁸ As a result of direct interaction, various issues often arise that ultimately fall under the jurisdiction of the Religious Court. In many cases, incidents involving Muslims are witnessed by non-Muslims.¹⁹ A non-Muslim witness is someone who is not Muslim and who directly saw or heard an event.²⁰

In Islamic law, witnesses in cases involving property must be Muslims, as stated in the Qur'anic verse: "And call to witness two witnesses from among your men" (Q.S. al-Baqarah [2]: 282). Similarly, in matters of divorce and reconciliation, witnesses are also required to be Muslims, as mentioned in the Qur'anic verse: "Then either retain them in a fair manner or release them in a fair manner, and call to witness two just men from among you" (Q.S. ath-Thalaq [65]: 2).

Similarly, in the case of crescent moon sighting (rukyatul hilal), the witness must be a Muslim. As narrated by Ibn Abbas, he said: "A Bedouin came to the Prophet (peace be upon him) and said, 'I have seen the crescent moon.' The Prophet (peace be upon him) asked, 'Do you bear witness that there is no god but Allah?' He replied, 'Yes.' Then the Prophet asked, 'Do you testify that Muhammad is the Messenger of Allah?' He replied,

¹⁸ Husni Idrus Zulfiah, "Syahādah Hilal Non Muslim Dalam Hukum Islam Dan Hukum Positif Indonesia," *Astroislamica: Journal of Islamic Astronomy* 2, no. 2 (2023): 143–61, <https://doi.org/https://doi.org/10.47766/astroislamica.v2i2.1900>.

¹⁹Hajar Hastuti Ali, "Kedudukan Saksi Non Muslim Dalam Peradilan Agama Yogyakarta" (Universitas Islam Indonesia Yogyakarta, 2009), h. 3.

²⁰Handyani, "Kesaksian Non Muslim Di Pengadilan Agama Bukittinggi Dalam Tinjauan Filosofis Hukum Islam (Studi Perkara Perdata Nomor 500/Pdt.G.2012/Pa.Bkt Di Pengadilan Agama Bukittinggi)," h. 20.

‘Yes.’ The Prophet then said, ‘O Bilal, announce to the people that they should fast tomorrow.’.³⁶

If we examine the hadith concerning the testimony of crescent moon sighting during the time of the Prophet (peace be upon him), it can be seen that the testimony could come from anyone among the Arabs at that time, such as a Bedouin who reported seeing the crescent moon. To verify that the witness (reporter) was indeed a Muslim, the Prophet required him to recite the shahada (declaration of faith).

In the contemporary context, a question arises: what if a non-Muslim provides testimony in a case involving the sighting of the crescent moon? It is well known that in the field of astronomy, both in terms of scientific research and the development of instruments for observing celestial bodies, significant advancements have also been made by non-Muslim scientists. One such contribution is the documentation of the crescent moon through astrophotography using CCD cameras.

In its development, there was a notable case involving an expert and engineer in the field of aeronautics, Thierry Legault. He is a world-renowned astrophotographer who has made significant contributions to astronomical imaging. In 1999, he received the Mariuz Jacquemetton Award from the Société Astronomique de France (French Astronomical Association) for his achievements in astrophotography. He was also honored by the International Astronomical Union (IAU), which officially named Asteroid No. 19458 Thierrylegault in recognition of his contributions.²¹

His astrophotography images have been featured by leading international astronomy and science media outlets such as NASA, Nature, The Times, and The Wall Street Journal. In addition, several international television networks, including The Discovery Channel, BBC, CNN, and Fox News, have

²¹Ghifari, “Analisis Hasil Rukyat Dan Kesaksian Non Muslim Dalam Persepektif Fiqh Hisab Rukyat : Studi Kasus Pengamatan Thierry Legault Di Indonesia Dengan Astrofotografi,” 62.

broadcast his astrophotography videos.

Born in 1962, Thierry Legault holds the world record for photographing the thinnest visible crescent moon, achieved in 2013. He successfully captured the new moon during geocentric conjunction, with an angular elongation of only 4.25°. This remarkable feat broke his own previous record set on April 14, 2010, when he photographed the new moon at an elongation of 5.3° at 12:39 GMT. His achievement also surpassed that of Martin Elaser, a German astrophotographer who, in 2008, captured the new moon at an elongation of 5°.²²

Through his book *Astrophotography*, Thierry Legault published several images of the hilāl (crescent moon) that he successfully captured during rukyat qabla al-ghurūb (moon observation before sunset) using advanced astrophotography techniques.²³



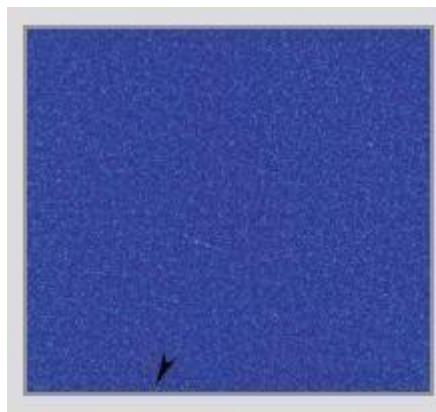
Gambar 1.1: Bulan sabit hasil astrotografi²⁴

This crescent moon image was captured through astrophotography by Thierry Legault at dawn on July 24, 2006, with a Moon-Sun elongation angle of 13 degrees. According to Legault, the photograph was relatively easy to obtain using a DSLR camera combined with a telescope.

²²Agus Mustofa, *Mengintip Bulan Sabit Sebelum Maghrib* (Surabaya: Padma Press, 2014), h. 107-108.

²³Muhammad Shobaruddin, "Studi Analisis Metode Thierry Legault Tentang Ru'yah Qabla Al-Ghurūb" (UIN Walisongo Semarang, 2015), h. 94.

²⁴Thierry Legault, *Astrophotography*, Loc.Cit., h.110



Gambar 1.2: Bulan sabit hasil astrofotografi²⁵

This photograph of the Hilāl was captured by Thierry Legault a few minutes after conjunction, depicting the thin crescent moon. The image was taken from Legault's residence in a suburban area approximately 30 km from central Paris, located at 4 Place de Molay, Élancourt, Paris (44° 51' 52" N, 01° 34' 30" E; elevation 300 m), on July 8, 2013, at 07:14 GMT. The conjunction occurred at 12:29 GMT (14:29 local time), with a Sun-Moon elongation distance of 4.554°.²⁶

Based on the above case, the results of crescent moon (Hilāl) photography through astrophotography by Thierry Legault have legal implications in the context of Hilāl testimony presented by a non-Muslim. It is known that Thierry Legault himself is not a Muslim. This raises a significant question in Islamic jurisprudence regarding how Hilāl testimony provided by a non-Muslim should be viewed and whether such testimony can be considered valid within the framework of Islamic law.

Non-Muslim Witnesses to the Crescent Moon: A Fiqh Perspective

The faith or religious affiliation of a witness is a crucial

²⁵Thierry Legault, Astrophotography, Loc.Cit., h.110

²⁶Shobariuddin, "Studi Analisis Metode Thierry Legault Tentang Ru'yah Qabla Al-Ghurūb."

aspect in determining the validity of hilāl testimony. This is because the act of witnessing the hilāl involves syahādah (testimony) that must be accompanied by the declaration of the shahādah (the Islamic creed). Scholars of fiqh unanimously agree that one of the primary conditions for accepting a witness's testimony is that the witness must be a Muslim. Consequently, the testimony of a non-Muslim is not admissible in cases related to the sighting of the hilāl or in other matters of religious significance.

According to Imām Mālik, Imām al-Shāfi‘ī, and Imām Aḥmad, the testimony of non-Muslims is categorically inadmissible, regardless of whether they belong to the same religion or a different one. This opinion is based on the words of Allah in Surah al-Baqarah (2:282), which imply that non-Muslims are not considered ‘ādil (just) and do not uphold fairness toward Muslims. Allah SWT describes them as people prone to falsehood and wickedness, and such individuals cannot be accepted as witnesses. Testimony (syahādah) is a matter of legal authority (wilāyah), and as emphasized in Surah al-Nisā’ (4:140), Allah does not permit non-Muslims to have authority over Muslims.²⁷

If the testimony of non-Muslims were to be accepted, it would be equivalent to compelling the judge to issue a ruling based on false or corrupt testimony. In Islamic law, accepting such testimony would imply honoring and elevating their status, which is clearly prohibited in Islam. Islamic jurists have also rejected the admissibility of non-Muslim testimony concerning the sighting of the crescent moon. As stated by al-Sha‘bī, “The testimony of adherents of other religions among themselves is not permissible,” referring to the words of Allah SWT: “So We have caused enmity and hatred among them.”²⁸

²⁷Ali, “Kedudukan Saksi Non Muslim Dalam Peradilan Agama Yogyakarta.”, h. 3

²⁸Mursyidin.S, “Kesaksian Non Muslim Dan Kasus Perkara Perceraian Di Pengadilan Agama Pare-Pare” (Institut Agama Islam Pare-Pare, 2020), h. 2.

In practice in Indonesia, testimony and witnesses in rukyatul hilāl must fulfill both formal and material requirements. If these requirements are not met, the testimony regarding the crescent moon is considered invalid. Within the Indonesian court system, the testimony of a non-Muslim may be accepted in certain cases, such as divorce, particularly in emergency or exigent circumstances. This is in line with the principle in fiqh that “difficulties bring ease” (al-mashaqatu tajlibu al-taysir). Moreover, the role of a non-Muslim witness can be recognized if they serve as a factual or case witness rather than a legal witness, because legal witnesses are involved with oaths, which must be administered and sworn by Muslims.

According to Prof. Thomas Djamaruddin²⁹, valid testimony regarding the sighting of the crescent moon (hilāl) by non-Muslims can be treated as equivalent to photographic or recorded evidence of the crescent moon. From an astronomical perspective, such evidence is acceptable. However, if an oath is required, it must be administered by a Muslim astronomer who can verify and confirm the observation reported by the non-Muslim, similar to how they would interpret a photographic image of the crescent moon. In cases where the astronomical data are obtained by non-Muslims with expertise in crescent moon observation – such as Jim Stamm – further review and validation are necessary. In this context, their testimony is considered equivalent to the recorded observational data of the crescent moon.

1. Based on the image data, observers do not directly see the crescent moon with their own eyes; rather, they interpret the photographic or recorded image of the crescent moon. Subsequently, these observers, who are Muslim, can be sworn in by a judge.
2. Based on the testimony of non-Muslims who have expertise in crescent moon observation, astronomers do not directly

²⁹Wawancara via WA kepada Prof Thomas Djamarudin, tentang kedudukan kesaksian Non Muslim.

see the crescent moon themselves. However, by analyzing the astronomical criteria and considering the track record of these observers, Muslim astronomers can attest under oath that the testimony is astronomically valid. The same principle applies when interpreting photographic or recorded images of the crescent moon.

CONCLUSION

Based on the above explanation, it can be concluded that the implementation of rukyatul hilāl is the observation of the crescent moon at the end of the Hijri month, typically conducted to determine the timing of specific acts of worship, such as fasting during Ramadan, the beginning of Shawwal, and the performance of the Hajj pilgrimage in the month of Zulhijjah. In practice, an individual who successfully observes the crescent moon must meet both formal and material requirements to ensure the accuracy of the information obtained, thereby guaranteeing that their testimony is reliable and not questionable.

From a fiqh perspective, the testimony of a non-Muslim is generally rejected by many Imams of the Madhhabs. However, in cases of necessity, their testimony may be accepted, but only as a factual or case witness, not as a legal witness. For example, Thierry Legault, a non-Muslim, captured an image of the crescent moon in 2013 with an elongation angle of 4.25° using advanced astrophotography techniques.

BIBLIOGRAPHY

Ada, Mattula. "Astrofotografi: Solusi Alternatif Melihat Hilal." [Kompasiana.com](http://www.kompasiana.com), 2014.

Agama, Mahkamah Agung RI Direktorat Jendral Badan Peradilan. "Pedoman Tata Cara Pelaksanaan Itsbat Rukyat Hilal." [badilag.mahkamahagung.go.id](http://www.badilag.mahkamahagung.go.id), 2023.

Ali, Hajar Hastuti. "Kedudukan Saksi Non Muslim Dalam Peradilan Agama Yogyakarta." Universitas Islam Indonesia Yogyakarta, 2009.

Az-Zuhaily, Wahbah. *Al-Fiqih Al-Islam Wa"adilattuh*. Damsik: Dar al-Fikri, 1989.

Bahansyi, Ahmad Fathi. *Nasyriyatul Isbat Fil Fiqhil Jina'I Al-Islami, Alih Bahasa Usman Hasyim Dan Ibnu Rachman*. Yogyakarta: Andi Offset, 1984.

Ghfari, Abu Dzar Al. "Analisis Hasil Rukyat Dan Kesaksian Non Muslim Dalam Persepektif Fiqh Hisab Rukyat : Studi Kasus Pengamatan Thierry Legault Di Indonesia Dengan Astrofotografi." Universitas Islam Negeri Walisongo Semarang, 2019.

Handyani, Irma Sri. "Kesaksian Non Muslim Di Pengadilan Agama Bukittinggi Dalam Tinjauan Filosofis Hukum Islam (Studi Perkara Perdata Nomor 500/Pdt.G.2012/Pa.Bkt Di Pengadilan Agama Bukittinggi)." Institut Agama Islam Negeri (Iain) Bukittinggi, 2018.

Ismail, Ismail, Machzumy, and Mohd. Yusri bin Jusoh. "Ulama and Islamic Astronomy in Contemporary Indonesia: T.M. Ali Muda's Concept on Matlak Hilal." *Journal of Indonesian Ulama* 3, no. 1 (April 21, 2025). <https://doi.org/10.30821/JIU.V3I1.596>.

Izzuddin, Ahmad. *Fiqih Hisab Rukyah Menyatukan NU & Muhammadiyah Dalam Penentuan Awal Ramadhan, Idul Fitri, Dan Idul Adha*. Jakarta: Erlangga, 2007.

Khazin, Muhyiddin. *Kamus Ilmu Falak*. Yogyakarta: Buana Pustaka, 2005.

Mughniyah, Muhammad Jawad. *Fiqih Lima Mazhab*. Jakarta: PT Lentera Basritama, 1996.

Mursyidin.S. "Kesaksian Non Muslim Dan Kasus Perkara Perceraian Di Pengadilan Agama Pare-Pare." Institut Agama Islam Pare-Pare, 2020.

Muslifah, Siti. "Saksi Rukyatul Hilal Dengan Bantuan Teknologi (Analisis Penggunaan Teleskop CCD Imaging Dan Olah Citra)." digilib.uinkhas.ac.id/. Jember, 2018.

Mustofa, Agus. *Mengintip Bulan Sabit Sebelum Maghrib*. Surabaya: Padma Press, 2014.

Poerwadarmita, W.J.S. *Kamus Umum Bahasa Indonesia*. Jakarta: PN Balai Pustaka, 1976.

Rafiuddin, Ahmad Adib. *Kalender Islam Global*. Semarang: CV Sarana Perkasa, 2021.

Sabiq, Sayyid. *Fiqih Sunnah 14*. Bandung: PT Al ma"arif, 1980.

Saksono, Tono. "Mengkompromikan Rukyat Dan Hisab," 2007.

Shobaruddin, Muhammad. "Studi Analisis Metode Thierry Legault Tentang Ru'yah Qabla Al-Ghurūb." UIN Walisongo Semarang, 2015.

Zulfiah, Husni Idrus. "Syahādah Hilal Non Muslim Dalam Hukum Islam Dan Hukum Positif Indonesia." *Astroislamica*:

Journal of Islamic Astronomy 2, no. 2 (2023): 143–61.
<https://doi.org/https://doi.org/10.47766/astroislamica.v2i2.1900>.