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Actualization of Al-Buthy's Jihad Concept in Modern Times

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Abstract: Nowadays, Islam is often considered as a radical teaching and embraced by extreme people, especially because of the teaching of jihad. So to straighten out this view, an in-depth study is needed that discusses the correct concept of jihad in Islam, and among the scholars who always try to do this is Al-Buthy. For this reason, the question of this research will answer how the concept of jihad according to Al-Buthy and how it is actualized in modern times. This research is qualitative research and uses normative juridical methods with a conceptual approach. The results of this study indicate that in the book *al Jihad fi al Islam; Kaifa Naflhamuhu wa Kaifa Numarisuhu*, Al-Buthy understands the meaning and nature of jihad as an oral da'wah to spread and uphold the sentence of Allah. The explanation is that every method or method carried out orally using any media is included in the act of jihad. This is the essence of jihad that was always carried out by the Prophet from the beginning of his mission as a Messenger until his death. Then regarding jihad in the sense of war, Al-Buthy interpreted the concept of *Dar al-Islam*. According to him, *Dar al-Islam* is an Islamic State, both those that were once under the Islamic caliphate and those that have now become fragmentary states. The concept of *Dar al-Islam* Al-Buthy is considered more realistic and contemporary. In contrast to the concept of *Dar al-Islam* promoted by some Muslim groups today, where they make the implementation of Islamic sharia in a kaffah as an absolute requirement of a country called *Dar al-Islam*. If not then the country is legitimately fought, the leader may be forcibly deposed, and even more extreme the country is considered a field of jihad war. So that the consequences of this concept are chaos and bloodshed as is happening now. For this reason, Al-Buthy emphasized the need to understand Islam by referring to the Islamic sciences inherited from the scholars, not from Islamic thought that developed following the times. Al-Buthy's method is considered moderate and more realistic to be actualized in modern times.

Keywords: Actualization; Jihad Concept; Al-Buthy; Modern

Abstrak: Dewasa ini, Islam kerap dinilai sebagai ajaran yang radikal dan dianut oleh orang-orang ekstrem, terkhusus karena adanya ajaran jihad. Maka untuk meluruskan pandangan tersebut diperlukan kajian mendalam yang membahas konsep jihad yang benar dalam Islam, dan di antara ulama yang senantiasa mengusahkan hal ini adalah Al-Buthy. Untuk itu, pertanyaan dari penelitian ini akan menjawab bagaimana konsep jihad menurut Al-Buthy dan bagaimana aktualisasinya pada zaman modern. Penelitian ini adalah penelitian kualitatif dan menggunakan metode yuridis normatif dengan pendekatan konseptual. Hasil dari penelitian ini menunjukkan bahwa dalam kitab *al Jihad fi al Islam*; *Kaifa Nafhamuhu wa Kaifa Numarisuhu*, Al-Buthy memahami makna dan hakikat jihad sebagai sebuah dakwah lisan menyebarkan dan menegakkan kalimatullah. Penjabarannya adalah bahwa setiap cara atau metode yang dilakukan secara lisan dengan menggunakan media apapun termasuk ke dalam perbuatan jihad. Ini merupakan inti jihad yang senantiasa dilakukan oleh Rasulullah saw dari awal pengutusannya sebagai Rasul hingga wafat. Kemudian berkenaan jihad dalam arti perang, Al-Buthy menginterpretasi konsep *Dar al-Islam*. Menurutnyanya *Dar al-Islam* merupakan Negara Islam, baik yang dahulu berada di bawah kekhalifahan Islam maupun kini yang telah menjadi negara-negara pecahan. Konsep *Dar al-Islam* Al-Buthy dirasa lebih realistis dan kekinian. Berbeda dengan konsep *Dar al-Islam* yang diusung oleh beberapa kelompok muslim saat ini, dimana mereka menjadikan implementasi syariat Islam secara kaffah sebagai syarat mutlak sebuah negara disebut *Dar al-Islam*. Jika tidak maka negara tersebut sah diperangi, pemimpinnya boleh diturunkan secara paksa, dan yang lebih ekstrem lagi negara tersebut dianggap sebagai ladang jihad perang. Sehingga konsekuensi konsep ini adalah kekacauan dan pertumpahan darah sebagaimana yang terjadi sekarang. Untuk itu, Al-Buthy menekankan perlunya memahami Islam dengan merujuk kepada ilmu-ilmu Islam warisan para ulama, bukan dari pemikiran keislaman yang berkembang mengikuti zaman. Metode Al-Buthy dirasa moderat dan lebih realistis untuk diaktualisasikan di zaman modern.

Kata Kunci: Aktualisasi; Konsep Jihad; Al-Buthy; Modern

INTRODUCTION

At the end of the 20th century and the beginning of the 21st century, the word jihad has become a very actual topic of discussion throughout the world. The materials discussed revolve around the concept of jihad, either by way of reinterpretation or simply straightening out an inaccurate understanding of jihad. There are also those who make the phenomenon or an event that is 'considered' jihad a topic of conversation. These materials are discussed in various forms and occasions. Some present it in the form of writings or scientific works,¹ lecture materials, seminars at the regional, national, and even international levels. Among the seminars that have been

¹ Hajjin Mabruur, "Meluruskan Pemahaman Jihad dan Cara Mengamalkannya di Setiap Waktu dan Tempat," *Misykah: Jurnal Pendidikan Dan Studi Islam* 6, no. 2 (2021): 135-49.

held are: "Reactualizing the Spirit of Jihad Resolution for Generation Z" in 2024 which was held by the Islamic University of Malang in commemoration of the santri day, the International Islamic Coordination Council (IICC) successfully held a congress entitled, 'The Attitude of Ummah Ulama Towards the Syrian Conflict'. This event took place in Cairo, Egypt, on 4 Sha'ban 1434 H/13 June 2013, and others. This was done inseparable from the various acts of violence that occurred in various parts of the world. For example, the suicide bombings that occurred in Bali in 2002, the collapse of the WTC building on September 11, 2001, which was preceded by a plane crash, and many others. Almost all media at the time directed these events to acts of jihad known in Islam. All the perpetrators of these acts of violence always labeled their actions as jihad, a term that only exists in the Islamic world. Then these acts of violence were popularized by the enemies of Islam as a crime known as 'terrorism'. The teaching of jihad, which often means war, seems to make Islam a religion that commands its people to fight.

Such a reality is definitely not compatible with the values and teachings of Islam. Islam is a religion of peace, compassion, tolerance and respect for different religions and beliefs. Coercion, violence and bloodshed contradict the teachings of Islam, which glorifies solidarity, tolerance, freedom, mercy and wisdom. The comparison between Islamic ideals and the reality of the situation of Muslims adrift with the teachings of jihad has led to many misunderstandings and descriptions, both from Muslims and non-Muslims about the actual concept of jihad. The misunderstanding, whether intentional or not, seems to depart from the misinterpretation of the Quran or sunnah about the obligation of jihad. Efforts to reduce the meaning of jihad are intertwined because of the tendency to connote jihad with war, while the implementation of jihad is highly dependent on the priority scale of the demands of the conditions so that it cannot be interpreted as merely a frontal physical war.

Among the contemporary scholars who focus and seriously discuss the concept of jihad is Shaykh Muhammad Sa'id Ramadhan Al-Buthy. Al-Buthy is a sunni scholar who was born in Turkey and lives in Syria. Al-Buthy is a well-known contemporary scholar and also one of the 200 influential people in the world. He is also one of the teaching staff as well as serving as dean at the Faculty of Sharia, Damascus University. On the basis of his expertise, especially in the fields of fiqh and ushul fiqh and his experience in this field, it is not excessive to conclude that Al-Buthy is one of the contemporary fiqh scholars of this century so that it can be used as a reference in sharia issues.

In interpreting jihad, Al-Buthy is more inclined to the opinion of scholars who interpret jihad as preaching *amar ma'ruf nahi munkar* by conveying the commands of Allah and His Messenger contained in the Qur'an and hadith, orally (persuasion dialog) and in writing. As for jihad in the sense of fighting, according to Al-Buthy it is only prescribed to defend three rights that are deprived, namely: the right to ownership of the land that

Allah has bestowed upon the Muslims (the land where the Muslims' legal residence is legalized *de facto* and *de jure*), the right to live the Muslim community on that land, and the right to build an Islamic State that functions to protect the Muslim community in it. According to Al-Buthy, if these three rights are taken away, it is obligatory to carry out jihad in the form of war as Islam during the Prophet's period in Medina.^{2,3}

In addition, Al-Buthy also tried to purify the meaning of *hirabah* (criminality), which is the cause (*'illat*) of the ordinance of war jihad, from its meaning that is developed and understood by most Muslims today. Then he also explained about the situations and conditions that require war jihad. Based on this concept, Al-Buthy views that the revolution and radicalism that occurred in Syria and several Arab countries today (except Palestine) cannot be said to be jihad. The decision and call for jihad is also the authority of an Imam or Leader of the Islamic State, not individual rights because war jihad is included in the aspect of leadership law (*ahkam al-imamah*).

Al-Buthy's efforts in trying to reidentify the meaning of jihad are of particular interest in the midst of the rapid war of thought in modern times. Referring to the basis of the problem, it is necessary to conduct research on the understanding of the concept of jihad initiated by Al-Buthy, which may be a solution in understanding the meaning of jihad for modern times today.

RESEARCH METHODS

This research is a qualitative type of research,⁴ and uses a normative method with a conceptual approach. This method will explain the concept of jihad as a norm in Islam, which is re-explained by Al-Buthy in his work *al Jihad fi al Islam; Kaifa Nafhamuhu wa Kaifa Numarisuhu*. The data sources used are secondary data sources consisting of primary legal materials, namely the book *al Jihad fi al Islam; Kaifa Nafhamuhu wa Kaifa Numarisuhu* by Al Buthy. Then secondary legal materials in the form of books and scientific journals related to the research title, especially the concept of jihad, and finally tertiary legal materials, namely dictionaries and encyclopedias that explain the meaning of terms in research.

DISCUSSION/RESULTS AND DISCUSSION

According to Al-Buthy, most Muslims now have the wrong perception. They think that the ordinance of jihad only existed during the Medina period. This is because they have first limited the meaning of jihad to the meaning of war only and indeed the command to fight the polytheists was only revealed after the Prophet migrated to Medina.⁵ Whereas jihad

² Muhammad Sa'id Ramadhan Al-Buthy, *Al-Jihad Fi Al-Islam: Kaifa Nafhamuhu Wa Kaifa Numarisuhu* (Beirut: Dar Al-Fiqr, 1993). 93

³ M Saleh Mathar, "Jihad Dan Terorisme; Kajian Fiqh Kontemporer," *Jurnal Hunafa* 6, no. 1 (2009): 117-28, <https://doi.org/https://doi.org/10.24239/jsi.Vol6.Iss1.125>.

⁴ Sugiyono, *Metode Penelitian Kuantitatif Kualitatif Dan R&D* (Bandung: Alfabeta, 2019).

⁵ Al-Buthy, *Al-Jihad Fi Al-Islam: Kaifa Nafhamuhu Wa Kaifa Numarisuhu*. 19-20

meaning war is one form of jihad, not the essence of it. In addition, there are some Muslims who take a very ironic view by arguing that jihad should be buried into the ground as deep as possible. The reason is to maintain the image of Muslims in the eyes of the international community and to say that Islam is a religion of tolerance and does not like war.⁶

With regard to the two perceptions above, Al-Buthy believes that the ordinance of jihad in the Mecca period is reflected in the activities of the Prophet Muhammad inviting people to glorify Allah by means of oral delivery. Likewise, jihad in the Medina period, initially jihad meant inviting believers to recognize and understand Islamic law and teach it to other people. Therefore, the essence of jihad itself is preaching the truth of Islam to all mankind and the denial and elimination of other beliefs by dialogue and persuasion voluntarily without coercion. Jihad is likened to a way or method to reach the truth or to make other people reach the truth, just as jihad is also a way or method to stay away from falsehood or to keep other people away from falsehood.⁷ This kind of jihad is the principle of jihad, which was always carried out by the Prophet from the beginning of da'wah to the end of his life and applies until the Day of Judgment.⁸

Preaching Islam by means of dialogue and invitation without force, then accompanying it with good manners or behavior is a manifestation of a servant's servitude to Allah. This is the basis of jihad and the most important core of it, which is the responsibility of all Muslims. The essence of this jihad is as said by Ibn Abbas when explaining the meaning of the phrase "*wa jahiduhum bihi jihadan kabiran*" in verse 52 of Surah Al-Furqan, namely jihad with the Qur'an exerting all abilities. Also reinforced by the words of the Prophet Muhammad SAW:

أَفْضَلُ الْجِهَادِ كَلِمَةُ حَقٍّ عِنْدَ سُلْطَانٍ جَائِرٍ

"The best jihad is to speak the truth to an unjust leader". (HR. Abu Dawud, Tirmizi, and Ibn Majah).⁹

⁶ Asnan Purba and Imam Kamaluddin, "Urgensi Jihad Masa Kini Dalam Perspektif Islam," *IJTIHAD: Jurnal Hukum dan Ekonomi Islam* 13, no. 2 (2019): 131-45, <https://doi.org/https://doi.org/10.21111/ijtiha.v13i2.3538>.

⁷ Al-Buthy, *Al-Jihad Fi Al-Islam: Kaifa Nafhamuhu Wa Kaifa Numarisuhu*. 27

⁸ Hisham 'Alywani and Fadi Al-Gausy, *Al-Buthi: Ad-Da'wah Wa Al-Jihad Wa Al-Islam As-Siyasi* (Beirut: Markaz Al-Hadarah li At-Tanmih Al-Fikr Al-Islami, 2012). 107-108

⁹ Abu Daud, *Sunan Abu Daud* (Riyadh: Dar Al-Salam, 2009). 858, tradition no. 4344. Also narrated by Tirmidhi, Hadith no. 2174 and Ibn Majah, Hadith no. 4011. This Hadith was narrated by Abu Sa'id Al-Khudri when a man came to the Apostle at the time of stoning the first Jamaraat, he said to the Apostle: "What is the best Jihad?" but the Apostle was silent. So when stoning the second Jamrah the man asked again and the Apostle remained silent. Then the Apostle asked when in Aqabah when he was about to ride a camel, 'Where is the questioner?' the man replied, 'this is me, O Messenger of Allah', the Apostle said, '(the main jihad is) voicing the truth to the unjust leader'.

أَفْضَلُ الْجِهَادِ أَنْ تُجَاهِدَ نَفْسَكَ وَهَوَاكَ فِي ذَاتِ اللَّهِ

"The best jihad is that you try to control your desires (to submit) to the Essence of Allah." (narrated by Imam Dailami and also narrated by Tirmidhi and Ibn Hibban with different wording).¹⁰

If one considers the two traditions above, it will be understood that jihad has emerged from the Mecca period, because the culmination of jihad is preaching to exalt the *word of Allah* and managing the passions, which has been the command since the preaching of the Mecca period. Most people immediately understand the meaning of *kalimah haq* as war, whereas the intended meaning of the Hadith is steadfastness and patience in the face of unjust leaders while still speaking the truth. Likewise, the content of the next hadith emphasizes that the best jihad is to manage one's passions in preaching in the way of Allah. This is the first and foremost meaning of jihad and it will last forever.

Then in the Medina period new conditions were established, viz: the growth of the Muslim community that needed to be guarded by law and the early growth of *Dar al-Islam* which was the first Islamic state in history. The existence of these new conditions requires a new system for the purpose of protecting the boundaries of the state from enemies, fighting any party that tries to damage the state and laws, fighting those who refuse to preach Islam in dialog, fighting people who force the inhabitants of the Arabian Peninsula to continue worshipping idols and so on. This war jihad is referred to as the stage of defensive warfare which is a war of self-defense. Every war in this period was a *counter attack* against the conspiracy or hostility launched by the polytheists. So with this new system, the meaning of jihad in general branched into several meanings according to the required conditions and predetermined conditions, one of which became war jihad. Therefore, this stage does not reflect the final law that is the basis of jihad in Islam. As the Prophet said:

أُمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى يَشْهَدُوا أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَ أَنَّ مُحَمَّدًا رَسُولُ اللَّهِ وَ يَقِيمُوا الصَّلَاةَ وَ يُؤْتُوا الزَّكَاةَ فَإِذَا فَعَلُوا ذَلِكَ عَصَمُوا مِنِّي دِمَائِهِمْ وَ أَمْوَالَهُمْ إِلَّا بِحَقِّ الْإِسْلَامِ وَ حِسَابُهُمْ عَلَى اللَّهِ تَعَالَى.

"I was commanded to fight the people until they testify that there is no god but Allah and that Muhammad is the messenger of Allah, establish prayer and pay the zakat. When they have done that, they have protected their blood and property from me unless there is Islamic law, and their account is up to Allah." (HR. Bukhari and Muslim)

¹⁰ Al-Tirmizi, *Jami' Al-Tirmizi* (Riyadh: Dar Al-Salam, 2009). 513, no, hadith 1621

In this Hadīth jihad means war because of the crimes committed by the disbelievers, not because of their disbelief. This is evident from the different use of the word *aqtulu* with *uqatilu*. *Aqtulu* means: I hunt (kill) people in their hometowns until they embrace Islam. Whereas *uqatilu* which is formed from the pattern (wazan) *ufa'ilu* describes the participation of both parties in carrying out the work. Thus the meaning is that I repay the attack of others against my preaching the faith in Allah SWT with a similar attack, if it is known that there is no other way but to fight.¹¹ Related to this Imam Baihaqi has quoted the words of Imam Shafi'i who said *al-qatlu* (killing) is very different from *al-qital* (fighting), because it may be that someone can be fought but not killed.¹² Likewise, with several traditions and verses that are in line with the above traditions, it cannot be simply concluded that jihad war is due to the factor of disbelief alone, because it will contradict several other arguments. Other proofs include Surah At-Taubah: 6 and Al-Baqarah verse 256.

Then among the most important characteristics of da'wah in Islam is to preach in a kind and compassionate manner to all servants of Allah without exception. This characteristic has become a special feature of this religion, which can be seen from Allah's affection for His servants by sending them the Messenger. Likewise, the Messenger carries out the task of calling people to worship Allah with love and polite ways. Allah says addressed to the Messenger of Allah in Surah al-Anbiya verse 107 which means: "*And We have not sent you but to be a mercy to all the worlds*". Likewise in Surah al-Kahf verse 58 which means: "*And your Lord is the Most Forgiving, the Most Merciful...*", also in Surah al-A'raf verse 156 which means: "*...Allah says: 'My punishment I will inflict on whom I will and My mercy encompasses all things. So I will establish My mercy for the pious, those who pay the zakat and those who believe in Our verses'*". Furthermore, the Prophet also said about the methods he used in preaching from the beginning of Islam until his death, which means: "*Those who are merciful will be favored by Allah. So love every inhabitant of the earth, and you will be loved by the inhabitants of the sky (i.e. the angels)*". (HR Ahmad, Abu Dawud, Tirmidhi and Hakim in Mustadrak).¹³

Al-Buthy also denies that the reason for the non-mandated war in the Mecca period was due to the weakness of the Muslim Ummah and their small numbers at that time. According to Al-Buthy, this is a far-fetched reason, because it shows the low and weak position of the Apostle as a leader of the people as well as the messenger of Allah SWT, which is clear that his prayer becomes a weapon and is always answered, so it is easy for the Apostle and the Muslims to defeat the enemy. But the correct reason in his view is that the delay in war jihad occurred because of Allah's command and the absence of

¹¹ Al-Buthy, *Al-Jihad Fi Al-Islam: Kaifa Nafhamuhu Wa Kaifa Numarisuhu*. 53-59 This is the view of Imam Malik, the Maliki scholars, Auza'i and most of the fuqaha, and is the preferred view of the two opinions.

¹² Ibn Hajar Al-Asqalani, *Fath Al-Bari*, Volume 1, 76

¹³ Al-Buthy, *Al-Jihad Fi Al-Islam: Kaifa Nafhamuhu Wa Kaifa Numarisuhu*. 68-69

something to be defended at that time, namely a country that has territory, people and laws. Safeguarding and defending the state from enemy attack is the correct reason for upholding the Shari'ah of war jihad.^{14,15}

Therefore, the main meaning of jihad is to maximize efforts to teach Islam by means of dialogue, *amar ma'ruf nahi munkar* without coercion and pressure, so the essence of jihad according to Al-Buthy is an appeal to the truth with the tongue and noble morals, so as to achieve the expected goal of making Islam a religion of *rahmatan li al-'alamin*.

In Al-Buthy's view, the condition or condition that is an absolute requirement when wanting to carry out war jihad, as well as the initial reason for the proscription of war jihad, is the deprivation of three rights of Muslims that Allah has bestowed since the Prophet Muhammad hijrah to Medina, namely:

Dar al-Islam

*Dar al-Islam*¹⁶, *Daulah Islamiyah* or Islamic State is an element, a gift as well as the first and main right that Allah gave to the Muslims at that time. Jihad war is one way to defend and defend this gift if in the future there is an attack from the enemy. According to Al-Buthy, *Dar al-Islam* has the right to be defended and maintained its sovereignty and applied Islamic Sharia in it. Among the provisions for *Dar al-Islam* is that *Dar al-Islam* will not turn into *Dar al-Kufr* (the territory of disbelievers) and *Dar al-Harb* (the territory of war), even though it becomes a weak region, chaotic, turbulent hostility in it or has been controlled by invaders. For this reason, what can be understood here is that *Dar al-Islam* will remain forever *Dar al-Islam*. The opinion of the Jumhur Fuqaha is different from the opinion of the Hanafi Mazhab which says that *Dar al-Islam* can change back to *Dar al-Kufr* or *Dar al-Harb* if one of these three things happens, namely: *First*, if the law in force in the region is the law of the infidels, not Islamic Law and has been enforced generally. *Second*, if it is adjacent or neighboring with *Dar al-kufr* or *Dar al-Harb*. *Third*, if there is no longer a Muslim or *Dzimm*i population who feel secure in their lives, property and honor as guaranteed by the previous *Dar al-Islam*.

It should also be added that Al-Buthy argues - as the opinion that has been agreed upon by scholars - that the application of Islamic Sharia is not a condition that must be met to claim a region to be *Dar al-Islam* or not. However, the implementation of Islamic Sharia is one of the obligations of Muslims to fulfill the rights of the state as *Dar al-Islam*. In other words, an Islamic region is still called *Dar al-Islam* even though it has not been able to

¹⁴ Al-Buthy. 75

¹⁵ 'Alywani and Al-Gausy, *Al-Buthi: Ad-Da'wah Wa Al-Jihad Wa Al-Islam As-Siyasi*. 109

¹⁶ *Dar al-Islam* is the name commonly used by historians and Islamic jurists to refer to the Islamic State. While *Daulah Islamiyah* is a term that emerged later, it was first used to refer to the territory once controlled by the Ottoman Dynasty (Ottoman) by Byzantine adventurers and historians. Quoted from Shaykh Radhwan Al-Sayid's paper delivered at the Al-Azhar International Conference on Combating Radicalism and Terrorism in December 2014 under the title '*Daulah Islamiyah and Caliphate*'.

realize Islamic Sharia perfectly (*kaffah*). The implementation of Islamic Sharia is a great responsibility that must be fulfilled by the government and the Muslim community in it. Unfortunately, the above decree is not in line with what is happening on the ground. Some Muslims in the modern era interpret *Dar al-Islam* as an area where the Muslim community and its government live and the Shari'ah of Islam has been implemented *kaffah* in it. They make the practice of Islamic Sharia as an absolute requirement or a fixed price in determining whether an area is *Dar al-Islam* or not. So that the impact of this shallow understanding is that if the region does not practice Islamic Sharia then it can be fought and considered a field for jihad, even further it will be claimed as *Dar al-Kafr* or *Dar al-Harb*.

For this reason, in Al-Buthy's view, countries that have a Muslim population in modern times, whether they are the majority or minority, have an Islamic identity such as still being led by a Muslim and are part of *Dar al-Islam* in the past are Islamic territories that must be guarded, defended as well as defended from enemy attacks by means of jihad war if it has fulfilled the provisions of its enforcement.

Ummah and Mujtama' Islamiyah (Islamic Society)

In summary, it can be concluded that the word *ummah* (in Indonesian written *umat*) means a group of people who unite because of a similarity found in themselves, such as if it is said that Muhammad's *ummah* means a group of people who recognize and believe in his prophethood and what he conveyed. Meanwhile, the word *mujtama'* means a group of people who gather to agree on a certain goal or mission. From this it can be seen that the word *mujtama'* has a broader meaning than the word *ummah*, because it could be a group of people who have a specific purpose that comes from several groups with different identities. So that from this understanding it can be understood that *Mujtama' Islamiyah* - or in Indonesian translated into Islamic Society - does not only consist of Muslims, but *Ahl al-Dzimmah*¹⁷ which can be formed from Jews, Christians, Ahlul Kitab and others as the community in Medina at the beginning of the establishment of *Dar al-Islam*.¹⁸

Islam in this discussion has two forms, namely: Its form as a religion centered on a person's faith and its form as a political force centered in the Islamic State, both in bureaucratic relations and cooperation between fellow residents. Therefore, every layer of society in it has the same rights and obligations as long as their loyalty and identity as residents of the country is recognized according to Islamic Law. Among the rights of each other is the right to protection and defense. Likewise, each member bears the obligation

¹⁷ *Ahl al-Dzimmah* are non-Muslims who make a promise with the Islamic Government to live under the auspices of *Dar al-Islam* and declare their membership and loyalty, but only limited to the relationship between the people and their government and the relationship between fellow citizens with Muslims. As for their beliefs, Islamic Law provides freedom for them to embrace and worship in accordance with their beliefs, as Allah says in Surah Al-Baqarah verse 256 which means: "*There is no compulsion in religion*". See Muhammad Sa'id Ramadhan Al-Buthy, *al-Jihad fi al-Islam ...*, p. 83

¹⁸ Al-Buthy, *Al-Jihad Fi Al-Islam: Kaifa Naflamuhu Wa Kaifa Numarisuhu*. 83-84

to protect and defend his community from any form of enemy attack that tries to destroy the state, its people or government.¹⁹

In this discussion Al-Buthy emphasizes two important points regarding *Ahl al-Dzimmah*, that: first, Islam is very fair and respects the existence of *Ahl al-Dzimmah* as part of the population of *Dar al-Islam*. Among the examples of the Islamic Shari'ah's concern and attention to the existence of *Ahl al-Dzimmah* are seen in several traditions narrated in the books of Bukhari and Muslim traditions. The Messenger of Allah (peace be upon him) said: "Indeed, you will conquer a country in which the Qirath (currency) is used. So be kind to its people, for they have the right of honor and kinship". (Muslim no. 328). Secondly, any ruling relating to *Ahl al-Dhimmah* is not called tolerance (*al-tasamuh*). This is because the word tolerance has the meaning of condoning an act that is actually unnatural or incorrect. This meaning is certainly not suitable for us to use in understanding the relationship that exists between Muslims and *Ahl al-Dzimmah* under the auspices of *Dar al-Islam*, because every member of society has the same rights and obligations. For this reason, it is more appropriate to use the words relationship of mutual guarantee (*al-takaful*) and solidarity (*al-tadhamun*).²⁰

Law and Government Powers

In general, the need for the application of Islamic Sharia in *Dar al-Islam* is illustrated from two sides, namely: the need in terms of belief (applies specifically to Muslims) and the need in terms of politics and justice (applies generally to all the people of *Dar al-Islam*). This second side is applied in the life of the nation and state regardless of belief, skin color or race. This law is a fortress in order to unite a sense of nationalism among the population under the auspices of *Dar al-Islam*. For this reason, Al-Buthy also gives an understanding to the law according to the concept above that it is a set of provisions that regulate and bind the relationship between fellow citizens regardless of differences in their race or religion, to live together in one region and subject to the general rules of Islamic politics in which there are Islamic social rules.²¹ For this reason, if the laws or powers of the government of *Dar al-Islam* are usurped or abused, then every citizen is obliged to defend and defend it. In other words, for Muslims jihad war is also carried out because of the obligation to defend these laws for the sake of the dignity of their religion.

Furthermore, after knowing that war jihad is prescribed because of the three rights above that are taken away by the enemies of Islam, then the following is the concept of war jihad initiated by Al-Buthy to protect these three rights and fight the enemy who tries to seize them, including:

¹⁹ Al-Buthy. 85

²⁰ Al-Buthy. 142-146

²¹ Al-Buthy. 87-92

Illat (Cause) of War Jihad

'Illat means cause or reason.^{22,23} The meaning of 'illat war jihad is the cause or reason that justifies war jihad. Fuqaha are divided into two groups in determining the 'illat of war jihad, namely: a group that argues that the cause of war jihad is *al-hirabah* (criminality) and a group that argues that the 'illat is disbelief. The first group consists of scholars of the Hanafi, Maliki and Hanbali Mazhabs, this group is also called the Jumhur Fuqaha group. The second group of scholars is from the Shafi'i school of thought, as well as from Ibn Hazm's school of thought (the Zhahiri school of thought).²⁴ According to Al-Buthy, based on the discussion of the arguments, it can be concluded that the opinion of the majority of Fuqaha (Hanafi, Maliki and Hanbali Mazhab) is a strong opinion, namely the 'illat of war jihad is *hirabah* (criminality) not disbelief, because disbelief can be resolved by preaching in dialogue and explaining the essence of monotheism. Likewise, this 'illat can be seen directly in the verses that were revealed at the beginning of the hijrah and those that were revealed at the end of the Prophet's life.²⁵

Hirabah means the arising of hostile intent, characterized by supporting evidence. Hence it is a mistake on the part of some scholars and researchers in modern times to say that *hirabah* only occurs when there is evidence of an actual act of hostility, because then what is the meaning of the Prophet's hadith which he said during the Battle of Ahzab: "*Now, we fight them and they do not fight us*" (HR Bukhari). *Hirabah* is not limited to an actual attack on the Muslims; rather, it includes an apparent hostile intention that develops from mere intention to scheming and plotting and ends in an unexpected attack. This is the meaning of the word *hirabah* as it is used in today's international arena.²⁶ The appearance of hostile intent that can be proven by signs is sufficient to give the Muslims the right to fight and even attack the enemy. As exemplified by the Messenger of Allah in several wars

²² Etymologically, 'illat comes from the word علة-which means pain, trouble, cause and excuse. Whereas in terminology 'illat is something that because of its existence makes the law come into existence, or the case that gives rise to the provision of a law. According to Abdul Wahab Khalaf, 'illat is a trait in the original law that is used as the basis for the law. Muhammad Abu Zahrah defines 'illat as an external characteristic that determines and is in accordance with the law. So it can be concluded that 'illat is something that provides a limit to the law, also called a sign that is used as the basis of the law. So the 'illat exists because of the cause of the law, not because of the existence of the law, so that the 'illat is included as a legal argument. For example, neglecting to pray is the 'illat of the prohibition of buying and selling during the Friday adhan, or criminality (*hirabah*) is the 'illat of war (in Al-Buthy's view). This is different from the slipping of the sun, which is not an 'illat for the obligatory Zhuhr prayer, because the Zhuhr prayer is not legislated because of it, but is only a sign that the Zhuhr prayer has arrived (entered the time).

²³ Atha' bin Khalil, *Ushul Fiqh* (Bogor: Pustaka Thariqul Izzah, 2008). 131-136

²⁴ Ibn Rushd, *Bidayah Al-Mujtahid Wa Nihayah Al-Muqtashid*, Volume 1 (Cairo: Dar Al-Salam, 1416 AH). 369-372

²⁵ Al-Buthy, *Al-Jihad Fi Al-Islam: Kaifa Nafhamuhu Wa Kaifa Numarisuhu*. 106

²⁶ Al-Buthy. 108

where he preceded the Mushrikins in attacking after learning of their planned attacking intentions.^{27, 28}

Then the resistance that is prescribed is not limited to physical attacks, but can be done in many ways such as countering evil plans with the same thing, deceiving in war or other forms of counterattack according to the policy of the state leader. According to Al-Buthy's opinion, from here, war jihad is divided into two, namely: defense jihad (defensive jihad) and offensive jihad (offensive jihad). Therefore, it is very clear that war jihad is prescribed to prevent, reject or fight crime (*hirabah*), either in the form of defense jihad (*qital al-difa'i*) or in the form of offensive jihad (*qital al-hujumi*).

Jihad War Cry

The war jihad that is the main topic of this article is the war jihad that is *fardhu kifayah* on a group of Muslims, not on all of them. Among the examples of war jihad whose ruling is *fardhu kifayah* are:²⁹

- a. War to guard the borders, harbors and fortresses of *Dar al-Islam*.
- b. War against enemies who prevent the delivery of the message of Islam and remove the *shubhat* (doubt) about Islam.
- c. Wars against aggressors outside *Dar al-Islam*, such as the Battle of Uhud and the Battle of Badr.
- d. The invasion of Muslim troops into enemy territory that is known to be planning to attack Muslims or their troops.

These conditions are examples of war jihad, which is *fardhu kifayah*, which requires an order from the Leader of the Islamic State to carry it out. As it is stated in *al-Mughni* that Ibn Qudamah said: 'The matter of jihad is a matter entrusted to the Imam (Leader of the Islamic State) and *ijtihad*, and it is obligatory for his people to obey the policy he decides'.³⁰ The Maliki school of thought also states that: 'Jihad becomes *fardhu 'ain* for the person appointed by the Imam to fight'.³¹ Similarly, Al-Sharbini argues that: '*Fardhu kifayah* (in war jihad) is when the Imam sends troops to the port to fight the infidels, builds fortifications and pits (trenches) and obeys the leaders. Or it may be

²⁷ Among the wars that the Prophet and the Muslim army attacked first were the Battle of Bani Mushtaliq, the Battle of Khaibar and the Battle of Mu'tah. During the war against the Banu Mushtaliq, the Prophet had received news of their plan to attack the Muslims under the leadership of Haris bin Abi Dhirar, from a spy the Prophet sent, Buraidah. Based on this information, the Apostle mobilized the Muslim troops to attack them first. Similarly, during the Battle of Khaibar, the Apostle had known that the Jews of Khaibar and the Baba Ghathfal had allied and taken a position to attack the Muslims, but before that the Apostle first planned an impromptu attack on them. As for the Battle of Mu'tah, that the reason the Apostle fought the Romans was because they had killed the messenger of the Apostle who conveyed the message of da'wah, namely Haris bin Umair, so this crime became the '*illat* jihad of war at that time.

²⁸ Abdul Malik bin Hisham (Ibn Hisham), *Al-Shirah Al-Nabawiyah*, Juz 2 (Beirut: Dar al-Kitab al-Arabi, 1990). 290-330

²⁹ Al-Sharbini, *Mughni Muhtaj Ila Ma'rifah Al-Fadhil Minhaj*, Juz 4 (Beirut: Dar Al-Ma'rifah, 1997). 210

³⁰ Ibn Qudamah, *Al-Mughni*, Juz 13 (Cairo: Darul Alamal Kutub, 2011). 8

³¹ Al-Qarafi, *Al-Dzakhirah*, Volume 3 (Beirut: Dar al-Gharb al-Islami, 1994). 385

when the Imam or his representative enters *Dar al-Kufr* with his troops for the purpose of fighting them'.³² Similarly, in *al-Mabsuth*, Al-Sarkhasi says: 'It is the duty of the Imam to always endeavor to go out (jihad) to join the war or send Muslim troops and believe in the help of Allah'.³³ These texts from the four schools of jurisprudence are strong indications that the command to wage jihad for Muslims is the full authority of the Leader of the Islamic State.

Al-Buthy defines the Leader of the State, Imam, Judge, Caliph, King, President or whatever you want to call him as a Muslim - with no obvious signs of disbelief on him³⁴ - who is given power by Allah to lead *Dar al-Islam*. This leader or Caliph is appointed in one of three ways: by a majority vote of the people or by the people in authority, by the recommendation or choice of the previous leader, or by his own attribution of leadership because he has the power, provided that the previous leader has died or been coup d'état in a *shar'i manner* and there is no official successor after him. It should also be noted that wickedness and injustice committed by the ruler at the beginning or in the middle of his term of office do not lead to him being deprived of his leadership position. But what can bring down the leadership is if he dies, becomes an apostate (disbeliever) or is elected from unofficial means. The majority of fuqaha are of the view that it is not permissible to dismiss a judge because of his wickedness. Hence it is not permissible to rebel against a legitimate ruler on the grounds of his wickedness or tyranny.³⁵

Difference between *Bughah* and Jihad

Al-Buthy mentions in his book *al-Jihad fi al-Islam: Kaifa Nafhamuhu wa Kaifa Numarisuhu* that the characteristics of *bughah*³⁶ are:

- a. The group rebelled and fought against the legitimate Leader of Islam.
- b. Clinging to the results of its group's *ijtihad* and justifying any action against the legitimate Leader of Islam.
- c. It has a leader who is obeyed and has power in the form of weapons.

Al-Buthy states that these three characteristics are conditions that must be attached to a group if it is to be recognized as *bughah* so that it can be fought. This means that if one of these three characteristics does not exist, then the group cannot be said to be *bughah* and should not be fought, but

³² Al-Sharbini, *Mughni Muhtaj Ila Ma'rifah Al-Fadhil Minhaj*, Juz 4. 44

³³ Al-Sarkhasi, *Al-Mabsuth*, Juz 6 (Beirut: Dar Ihya al-Turats al-'Arabi, 2001). 67

³⁴ Al-Buthy, *Al-Jihad Fi Al-Islam: Kaifa Nafhamuhu Wa Kaifa Numarisuhu*. 147-148, 155. The majority of scholars agree that there are two general causes that make a person convicted of apostasy or disbelief, namely: First, making a conscious and sane pledge of disbelief with clear words, such as denial of the pillars of faith and the pillars of Islam. Secondly, doing an act consciously and sensibly that indicates disbelief, such as prostrating to an idol.

³⁵ Al-Buthy.

³⁶ *Bughah* is a group of people who rebel or defect from the legitimate leader of the Islamic State by fighting him or obstructing his rights, adhering to their group's *ijtihad* and justifying everything they do, having weapons and strength and having a leader who is obeyed. See Al-Sharbini, *Mughni Muhtaj Ila Ma'rifah al-Fadhil Minhaj*, juz 4 ..., p. 159; Ibn Hajar Al-Haitami, *Tuhfah al-Muhtaj*, volume 9 (Beirut: Dar Ihya' al-Turats al-'Arabi, tt), pp. 66-68; Ibn Abidin, *Rad al-Muhtar*, volume 6 (Riyadh: Dar 'Alam al-Kutub, 2003), pp. 410 and others.

called *ahl al-hirabah* (criminals) and invited back to unite with the Islamic Community. However, on the contrary, if these three characteristics are present in a group, then the group is entitled to be fought, but with the requirement that the purpose of fighting them is not to kill them, but to sanction them such as imprisonment, confiscation of weapons, and so on according to the policy of the Leader of the Islamic State, as well as trying to make them realize that they are united again to fight the real enemy of Islam.³⁷

The above explanation clearly illustrates the difference between the resistance called jihad and the resistance called *bughah*. Among the differences are:

- a. Jihad aims to uphold the *sentence of Allah*, while *bughah* has worldly goals, be it political, economic and others.
- b. The actions of jihad are based on strong arguments, whereas *bughah* is based only on lustful inclinations in interpreting the sources of Islamic Law.
- c. The target of jihad is the tyranny of the enemies of Islam (infidels) who have certain criteria in religion, while *bughah* aims to rebel against the legitimate government.
- d. Jihad has certain rules or manners that must be fulfilled in its implementation such as being prohibited from fighting women, children and the elderly. Whereas *bughah* only aims to achieve their mission by justifying all means.
- e. War jihad is a systematic step determined by certain conditions in an effort to uphold the da'wah of Islam, while violent *bughah* rebellion is sometimes used as the initial and main step in every action, and so on.

The Purpose of the Ordinance of Jihad

Al-Buthy argues that war jihad is prescribed after Allah bestows *Dar al-Islam* to the Muslims consisting of territory, people and government. The gift in question is all the wealth both human resources and natural resources that belong to the Muslims within the boundaries of *Dar al-Islam*. This wealth of course gave rise to the greed of the enemies of Islam to control it. Attacks began to emerge that aimed to hunt down this wealth.³⁸ This greed has become the nature of a nation that has power at that time, so that the Islamic region becomes one of the new targets for them to stick their cruel 'nails' in the region. For this reason, jihad war is expected to be a defense measure for these attacks.

Al-Buthy also emphasized that jihad is prescribed to defend something that already exists, not to achieve something that does not yet exist. The point of his statement is that jihad is commanded to protect the gift that Allah has

³⁷ Al-Buthy, *Al-Jihad Fi Al-Islam: Kaifa Nafhamuhu Wa Kaifa Numarisuhu*. 167-168

³⁸ Al-Buthy. 196

given to the Muslims in the form of territory for sovereignty and against any enemy who tries to seize it. Based on this opinion, if the gift was not given, then war jihad was not prescribed at that time. For this reason, war jihad in Islam is different from the wars waged by other religions or nations, because they fight to achieve something that does not yet exist, such as expanding territory, spreading religion with the sword to increase followers, exerting greater influence and others.

As for the accusation that war jihad is a way to force people to convert to Islam, it is a great slander. According to Al-Buthy, the Muslim community was not born from being forced to embrace Islam by the sword, but its existence was obtained with great suffering and the fruit of long patience in conveying the religion of Allah and its laws. The Muslim community emerged from the Prophet's struggle to educate the people and cleanse their souls, then put the love of the Creator into their hearts, so that the practice of jihad in this war is not tainted by defects of the soul, temporary worldly benefits and the tendency to convey the law in a hurry.³⁹

CONCLUSIONS

After analyzing the concept of jihad offered by Al-Buthy, in my opinion the concept of jihad is classified as a moderate concept. This is because Al-Buthy understands the meaning and nature of jihad as an oral da'wah to spread and enforce the *sentence of Allah*. The explanation of this understanding is that every method or method carried out orally using any media is included in the act of jihad. This is the essence of jihad that was always carried out by the Prophet from the beginning of his mission as a Messenger until his death. The meaning and essence of jihad like this is also considered relevant to the current context, where print and electronic media have an active role in modern human life. Furthermore, the concept of *Dar al-Islam* that he understands, is more relevant to be actualized. Because it can avoid the emergence of chaos and bloodshed as is happening now. Al-Buthy said that the understanding of jihad that is developing today was born due to lack of knowledge of Islamic sciences and is more dominated by the spirit of fighting without social control.

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³⁹ Al-Buthy. 195

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