

THE BEGINNING OF ISLAMIC MONTHS DETERMINATION IN INDONESIA AND MALAYSIA: Procedure and Social Condition

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Abstract

Determination procedure of the beginning of Islamic months in Indonesia is done through isbat convened by Ministry of Religious Affairs. The result is considered as the official decision of government. In Malaysia, the determination is preceded by the execution of ru'yah set by the officials of Keeper of the Rulers' Seal. The falak data are prepared by the Falak Unit at the Department of Islamic Development, the Mufti Members of the States of Malaysia as the practitioners. The results are announced by appointed officers from Mufti and Falak experts. The effort of the Indonesian Government on the unification of beginning of Islamic months determination is by establishing the Organization of Hisâb Ru'yah. One of its tasks and functions is to seek the unification of the beginning of Islamic months' determination through several programs. Whereas Malaysian Government does it by synchronizing understanding about the beginning of Islamic months' determination and after that relying on King's decision whether there will be strict sanction related to dissimilarity of the beginning of Islamic months' determination.

Prosedur penetapan awal bulan Islam di Indonesia adalah melalui sidang itsbat yang diselenggarakan oleh Kementerian Agama, hasil sidang itsbat ditetapkan sebagai keputusan resmi pemerintah terkait dengan penetapan awal bulan Islam. Di Malaysia, penetapan awal bulan didahului dengan

tanggal pelaksanaan ru'yah yang ditetapkan oleh Pejabat Penyimpan Mohor Raja-Raja Melayu Malaysia, data falak disiapkan oleh Unit Falak pada Jabatan Kemajuan Malaysia, Jabatan Mufti Negara-Negara Bagian yang sekaligus sebagai pelaksana. Hasilnya diumumkan oleh petugas yang ditunjuk terdiri dari Mufti dan Ahli Falak. Upaya Pemerintah Indonesia terkait penyatuan penetapan awal bulan Islam adalah dengan dibentuknya Badan Hisáb Ru'yah yang salah satu tugas dan fungsinya adalah mengupayakan penyatuan penetapan awal bulan Islam melalui berbagai program kegiatan. Adapun pemerintah Malaysia melakukannya dengan penyamaan pemahaman terkait dengan penetapan awal bulan Islam serta menyerahkan keputusan penetapan kepada keputusan Raja di samping adanya sanksi yang tegas terkait dengan perbedaan penetapan awal bulan Islam.

Keywords: hilâl; hisâb; imkân al-ru'yah; ru'yah

Received: January 10, 2019; Accepted: December 12, 2019

Introduction

The difference in the determination of the beginning of Islamic month is due to the dynamics of the development of astronomy in Indonesia which is very fast, so that there are many creative and innovative astronomers who are able to develop various methods of determining the beginning of the month (Azhari 2015; Izzuddin 2015; Badriyah and Faisal 2018; Marpaung 2018; Wahidi 2011). This difference is natural because each group has its own method, so it does not need to be questioned. Instead, it is considered as positive thing because the difference is a blessing.

When this is drawn to the socio-political realm, each *madhhab* (school) of *hisâb* (mathematical and astronomical calculations) and *ru'yah* (lunar sightings) tried hard to show their dominance and existence in Indonesia. There have been many attempts made by the government, exactly by the Ministry of Religious Affairs to compromise the two Islamic organizations that have yet to meet the mutual agreement. Although the *ummah* has begun to mature in addressing this difference, there are still some people (especially on social networks and internet media) who are provocative and are not even reluctant to blaspheme and judge one another as 'infidel' (Hasan 2015). If so, the difference is no longer a mercy. Therefore, the efforts to unite the opinion on the beginning of Islamic month determination must be done continuously.

The efforts to unite Muslims in starting the fasting of Ramadan and the day of Eid are indeed necessary so that the conflicts among Muslims can be reduced or completely eliminated (Thohari 2011, 183). Maintaining *ukhuwah* of *ummah* has greater benefits. Thus, relying on government as the sole authority to create *ummah* unity is more important than maintaining the calendar criteria of each organization (Rohmah 2015, 61). This is the obligation of the government as a representation of priests for their people, namely to facilitate and to support the implementation of worship as a whole; creating togetherness, especially in the implementation of worship of believers, by minimizing dissent and conflict and striving for the realization of mutual benefit (*maṣlahat 'ammah*) which is the essence of *maqāṣid al-sharī'ah* (sharia purpose) (Qulub 2015, 109-32).

Supporting these efforts, this research is done to find out more about how the determination of the beginning of Islamic months in Indonesia and Malaysia as well as the unification efforts made by the two countries. Indonesia and Malaysia have a special history on Islamic astronomi (falak) science (Azhari 2010; Ibrahim, Safiai, and Jamsari 2015). These two countries are members of MABIMS. Malaysia has almost no difference in determining the beginning of the Islamic month while Indonesia actually has more frequent differences. The results of this study are expected to be used as a reference to realize efforts to unite the opinions in determining the beginning of Islamic month in Indonesia. Therefore, this research is crucial based on three arguments; first, the issue of determining the beginning of Islamic months (especially Ramadan, Shawwal, and Dhulhijjah) is a very important issue because it is related to the validity of fasting and the day of Eid; second, the issue of differences in this topic has lasted so long that it is time to find the right solution to unite people's voices; last, the different opinions are still in progress that it sometimes raises people's tension thus it needs to be avoided immediately.

Problems in Determining the Beginning of Islamic Month

The issue of determining the beginning of the Islamic month, especially the months of Ramadan, Shawwal, and Dhulhijjah, became a classic, polemic, or also could be said to be a big problem (Anwar 2008; Afwadzi and Alifah 2017). It is said a classic problem because the case had been around since the early days of Islam and the period of Islam development in the next era, both among companions, followers, the Islamic scholars and Islamic law experts. Then, it is called a polemic problem since

fuqahâ' (Islamic law expert) in his works always widely discussed and included various differences of opinion in it. This issue is also considered actual and factual discourse because experts of various disciplines such as *ru'yah* experts, astronomers, and others took part in determining the three particular Islamic months as well as trying to unify people for it is always published through national media. Last, it is mentioned as a big problem because so many people put their heads together in this matter-such as representative of Muslim of various organizations, law and fiqh experts, and other Muslim scientists-to find solution through a forum of astronomers from all over the world (Asmuni et al 2011).

Discussing the many causes of differences in determining the beginning of Islamic months, there are some ground reasons that are considered the most influential, including (Wahidi 2011, 86):

First, there is a difference in interpreting the command to start and end the fasting based on the *naşş*. Some argue that it must be based merely on *ru'yah*, whereas some others argue that it can be done through *ḥisâb*. Besides, there are different opinions about the existence of *ru'yah* which is a matter of *ta'abbudî* or *ta'aqqulî*. The difference makes the dichotomy between *ḥisâb* and *ru'yah* with the existence of two claims of *ijtihâdiyah*; that are *ru'yah qaṭ'î* which has determining character, while *ḥisâb ḡannî* that is only supporting or ignored; and *ijtihâdiyah* claim that *ḥisâb* is *qaṭ'î* so it has determining character, while *ru'yah* is *ḡannî* as the supporter or the one being ignored.

Second, there are many used systems and methods of calculation (*ḥisâb*). The method of *ḥisâb* in Indonesia grew and developed rapidly that it had more than 35 systems/methods of calculation. In general, the existing *ḥisâb* can be categorized into two systems or large methods, namely *'urfi* and *hakiki*. *Urfi* is a very simple calculation without considering the position and condition of moon and sun. This method only uses and processes standard yet predictive numbers. This system is based on the average circulation of moon rotating the earth and is determined conventionally. This is the same as the *Shamsiyah* calendar calculation system, where the number of days in each month is static except for February in leap years which is one day longer. This *ḥisâb* method cannot be used to determine the beginning of Islamic month especially as the determination of beginning of Ramadan, Shawwal and Dhulhijjah because according to this system the age of Sha'ban and

Ramadan is fixed, i.g. 29 days for Sha'ban and 30 days for Ramadan (Azhari 2001, 93-95).

Third, there are differences in guidelines or criteria for starting the first day and the position of *hilâl* (the new moon) at the beginning of the month. From here, it is divided into several schools, some of which use the criteria of *wujud al hilâl* (the shape of *hilâl*) and some use *imkân ar ru'yah* (the imitation of *ru'yah*).

Fourth, there are differences in methods and validity of *ru'yah* report. Some argue that the validity of *ru'yah* must be in accordance with the method of *hisâb* whereas others argue the otherwise. The most important is the person who claims witnessing *hilâl* is fair, honest, and is willing to take oath in front of the judge.

Fifth, there is a difference in the application of *ru'yah* results based on certain regions which is called *wilâyat al-hukm* and the one applied globally. The concept of the application of *ru'yah wilâyat al-hukm* results also has differences related to the scope. There are people stating that it is applied in only one city, one country, and some say it can be also for one region such as South East Asia. While the implementation of the *ru'yah* which is applied in global area also has differences regarding its stipulation. Some argue that it follows the provisions of Saudi Arabia because there is the birth place of Islam and the location of *ka'bah* (Muslims' *qibla*). The rest argue diversely for the most significant is wherever *hilâl* appears, it can be used as reference of the beginning of Islamic months.

Sixth, there are differences related to the authority that deserves to determine the beginning of three Islamic months. Some plead that government has the full authority while others say otherwise since there is an assumption that there are discrepancies in beliefs and tendency toward particular schools and organizations or toward figure they respect-whether or not the figure is well-understood about Falak (Astronomy science).

Related to some factors causing differences in determining the beginning of Islamic months, the author believes there is dissimilar interpretation toward *nash* regarding its determination which then triggers the appearance of other factors.

Determination of the Beginning of Islamic Month in Jurisprudence Review

Islamic Sharia has provided convenience to the people to carry out various rituals of their worship and *wasilah* according to the level and context. It also includes the determination of the beginning of *qamariyah* months as *wasilah* (mediator) to know when to start and end Ramadan and the time of performing *wukuf* in *Arafah* for the pilgrims. In this case Islam provides the easiest and contextual way using *ru'yah al-hilâl* by witnessing the new moon directly, as a way of discovering the end of Sha'ban, the beginning and the end of Ramadan, as well as the time for performing *wukuf* in *Arafah* (al-Bukhârî n.d., no. 1909, 27; al-Naysâbûrî n.d., no. 1081, 762; al-Qazwaynî n.d., no. 1655, 530; al-Qarḍawî n.d., 1).

If Islam, at that time, required *ḥisâb* as a way of knowing and determining the beginning of Islamic months related to worship performance of Muslim, it would certainly have been burdensome because *ummah* at the early period of Islam had not yet known about Astronomy or *ḥisâb*. In that particular period, Astronomy was better known as Astrology which in society had negative connotation because it was related to predictions that are mystical and non-logical. One of *tashrî'* lessons in determining the beginning of *Qamariyah* months using *ru'yah al-hilâl*, according to Yûsuf al-Qarḍawî in his work entitled *al-Ḥisâb al-Falakî wa Ithbât Awâ'il al-Shuhûr*, is an act of mercy for Muslims so that they were not burdened by something beyond their capability. If it is explained by theory of *mafhûm mukhâlafah* (the contrary understanding), when they are ordered to do something out of their field of study, the possibility of them escaping from Islam is big and what even worse is they may return to their ancient's belief (al-Qarḍawî n.d., 1).

The existence of *hisab* is actually the result of a process beginning with observation. By discovering the *Spherical Trigonometry* formula in Mathematics and being supported by the advanced technology, it is easier for people to accurately predict the beginning of *Qamariyah* month. This then makes people think practically to determine when the date changes so that they (the *ḥisâb* experts) are sufficient with their calculations.

According to Yûsuf al-Qarḍawî, the extraordinary development of Astronomy should awaken Muslims' awareness. Therefore, *ḥisâb* should be considered in determining the beginning of months. The hadith mentioned earlier is very contextual where at that time the *ummah* were still unfamiliar with the science of *ḥisâb* (al-Qarḍawî n.d., 1-2). The context of first *ḥisâb* is

different from now where not a few people understand about *ḥisâb*. The question is “Can’t we use *ḥisâb* in determining the beginning of months?”

On one side, al-Qarḍawî provides a great opportunity for *ḥisâb* with the pretext of contextual interpretations of hadith. However on another side, he believes that *ḥisâb* can be used only in certain cases, for example in cloudy weather based on the hadith narrated by Abû Dâwud al-Ṭayâlisî (al-Baṣrî 1999, 351). This opinion is actually in line with Mutarrif ibn al-Shikhkhir, one of tabi’in leaders (al-Qurṭubî n.d., 46-47). *Ḥisâb* can be used only to deny recognition or to claim *ru’yah al-hilâl* where astronomically, *hilâl* is impossible to witness (al-Qurṭubî n.d., 46-47)

It can be understood that al-Qarḍawî actually still wanted to accommodate *ḥisâb* in determining the beginning of *qamariyah* months in certain limits and cases, for example in cloud or fog by applying other hadiths emphasizing on word *faqdurû* which is understood by *ḥisâb*. *Ḥisâb* is also used as a supporting system of *ru’yah* which function to deny the *ru’yah* claim when it is impossible to see *hilâl* according to astronomers. Furthermore, he explicitly said that *ḥisâb* was not used to determine (*ithbât*) the beginning of *qamariyah* months (al-Qurṭubî n.d., 46-47). From here, once again Yûsuf al-Qarḍawî is inconsistent with his expression where previously in the case of cloudy weather, he agreed with Muttarif’s opinion that *ḥisâb* could be the determinant of the beginning of *qamariyah* months by considering *imkan ar ru’yah* (visibility of the new moon).

Yûsuf al-Qarḍawî’s perspective deserves the attention and appreciation from all parties because what he said is, in essence, to find the bridge and synergize *ḥisâb* and *ru’yah*. He was known as a figure of moderate *manhaj* who tried to figure out the unsolved problems as long as those can still be synergized (al-Qarḍawî n.d., 19-20).

Related to his opinion and view about the determination of the beginning of *Qamariyah* months, and *ḥisâb-ru’yah*, that enforcing *ḥisâb* in an absolute way as determinant is possible so reviewing hadith’s interpretation on this case should be done according to its period and situation contexts. This is based on logical arguments including the dynamics of science and technology development and the existence of scientific facts about changes in natural conditions.

1. The dynamics of science and technology development

Along with the changing times, science and technology also develop, including in the field of Falak or Astronomy which has become an independent discipline. By the time, when observing or doing *ru'yah*, people can conclude and concept or making theories related to their observation result. Analysis and predictions about the sky objects movement going forward tens or even hundreds of years to come can be obtained easily and have a very high level of precision. Therefore, the *hisâb* experts consider it enough to use *hisâb* as the determinant because if it is proven, then the results are very accurate and almost close to or even the same as the empirical reality got from *ru'yah*.

2. Scientific facts about changes in natural conditions

The moon is known as the natural satellite of earth and is included in natural satellite in the solar system. It is also number five in the category of the biggest natural satellite. Earth's gravity to the moon does not affect the existence of the moon significantly so it does not cause the moon to fall on earth. This is due to the centrifugal force produced by the moon when it rotates the earth. The value of the centrifugal force causes the moon to move farther about 3.8 cm each year. This farther movement phenomenon has been studied by scientists using Lunar Laser Ranging (LLR). When the laser beam is fired to the moon and fell on the retroreflector (a type of mirror) installed on the moon when Apollo astronomers landed, then the round-way time span needed by laser "earth-moon" is calculated. Measuring the distance between the earth and the moon is done by calculating the speed of light X time taken by the laser. The product of multiplication is divided by number 2, then the distance between the earth and the moon is obtained.

From the results of long observations, it turns out that the reflecting time span of the laser beam changes. The difference in time span needed by laser (earth-moon round way) will change the results of calculating the distance of earth-moon every year, which is shifting farther from the earth by approximately 3.8 cm. If the value is then accumulated from centuries of calculation, the movement of moon will certainly look significant. This condition can complicate people doing *ru'yah* because the position of *hilâl* has been farther from earth. It is worsened by the fact that pollution on earth and space is getting worse. This makes the observation of sky objects is not as clear as before.

The appearance of *hilâl* in the beginning of month is very thin, so it cannot easily be seen by people who are not used to do *ru'yah al-hilâl* (with the naked eyes), especially if the height of *hilâl* is less than two degrees. Besides, when the sun sets, it still emits beams of red mega (*al-shafaq al-aḥmar*). This mega is what makes people difficult to see the appearance of *hilâl* in the dead moon condition. The brightness or strong light of the first phase of *hilâl* is not up to 1% compared to fullmoon light. The weak light of *hilâl* compared to sunlight and nightfall light makes it difficult to be observed. Meanwhile, in the air there are many particles that can inhibit the sighting of *hilâl*, such as fog, rain, dust, pollutants, factory smoke, and urban lights. These can reduce the light and blur the view object. Thus, weather is one of prominent factors of *ru'yah al-hilâl*. If the determination of the beginning of months is only based on *ru'yah* without considering the empirical conditions of nature, it is not impossible that the number of days for all months is complete (*istikmâl*) 30 days including Ramadan, Shawwal and Dhulhijjah.

Procedure and Social Condition for Determining the Beginning of Islamic Month in Indonesia

Determining the beginning of the month is very important regarding with Muslim worship, such as Ramadan (the obligation time for one-full-month fasting), Shawwal (celebrating Eid al-Fitr), and Dhulhijjah (related to performing Hajj and Eid al-Adha). There are two methods in determining the beginning of Islamic months, namely direct observation of the new moon (*ru'yah al-hilâl*) or by doing mathematical calculations/astronomical (*ḥisâb*).

Indonesian government has its own procedures in the field of *ithbat* (trial). The trial done for deciding the time for Ramadan, Eid al-Fitr, and Eid al-Adha has been regularly held by the government since 1950. At the beginning of its implementation, this session was only based on the decree (*fatwa*) of ulama. Then starting from 1972, the Hisab Ru'yah Agency (BHR/*Badan Hisab & Ru'yah*) began to be founded under the Ministry of Religious Affairs. BHR consists of scholars and astronomers whose main task is to provide information, providing data about the beginning of Ramadan, Shawwal, and Dhulhijjah (Badan Hisab & Ru'yah 1981, 22).

This hearing is held one day before the estimated day. In this session, various ulama, leaders, and organizations were invited as well as representatives from other countries who will witness and give their views on determining this important date. The trial begins by explaining the position

of *hilâl* or the moon in the evening in several regions by members of BHR from the Planetarium. various representatives of organizations and *Ulama* employing various methods will discuss to meet mutual agreement. The Minister of Religion in this *ithbat* process consider several things before making a decision. The things to be considered are based on data oo *hisâb* collected by BHR from various sources regarding *ijtima'* time, the height of *hilâl* and *hilâl* position throughout Indonesia, as well as reports on *ru'yah* implementation from all over Indonesia. After that, the minister announced it as a final decision legalized by the state. However, Hisab Ru'yah Agency states that this decision is not binding. Some parties can still believe in what they want to believe after the government's decision (Qulub 2015, 111).

Beyond that, several mass organizations and certain schools usually have different methods of calculation or determination, so they still believe in a holy day that is different from what has been decided in *ithbat*. This difference has often occurred in Indonesia and caused differences in the implementation of the first day of fasting, Eid al-Fitr, and Eid al-Adha. Muhammadiyah, Tariqa Satariyah in Medan, Naqshabandiyah, and Anadzir from South Sulawesi were those who often took a stand different from the government (Qulub 2015, 111).

Apart from that, the trial was very important to be held to provide certainty to the public. Since *ithbat* consider various data both from *hisâb* and *ru'yah*, it can provide stability for Muslims in performing worship. Moreover, the decision taken was the result of the deliberations of the Minister of Religion with members of the BHR, Islamic organizations and experts, so that their existence was eagerly awaited by the community (Ahmad and Hassan 2017).

Procedure and Social Condition for Determining the Beginning of Islamic Month in Malaysia

The authority to determine the beginning of Islamic months in Malaysia is in the power of JAKIM (Department of Islamic Development) which is located in Block A and B, Islamic Complex of Putrajaya, Number 23, Jalan Tunku Abdul Rahman, Presint 3. While Falak units are located in Blok A Arasy (4th floor).

One of the roles of the JAKIM is related to the development of Astronomy. Historically, in the early 1930s, Astronomy was pioneered by religious scholars such as *ulama*, *mufti-mufti* (fatwa members), and cadets.

They have extensive knowledge on Astronomy and Islamic law. The efforts of doing *ru'yah* had been officially carried out since 1934 by Syed Alwi bin Tahir al-Hadad from the Sultan Abu Bakar Mosque tower, Johor Bahru. At that time, places to see *hilâl* in determining the period for fasting and feast days were located in three places namely Telok Kemang (Negeri Sembilan), Johor Bahru (Johor) and Sayak Island (Kedah) (JAKIM 2018).

The next development in 1990, the Falak (Astronomy) sub unit was established in the Islamic Research Center, BAHEIS. When JAKIM was established in January 1997, the sub unit then was upgraded to the Falak Unit and placed under the Sharia Branch, Research Section, JAKIM. This unit functions to conduct research and provide Islamic *takwim* (calendar), prayer times, and Qibla direction. Regular studies done by JAKIM in Astronomy are as follows:

1. Analysis of Islamic Calendar Data;
2. Data Analysis of Calendars for Determination of the Beginning of Ramadhan, Shawwal, and Dhulhijjah;
3. Coordination Study of Time Zone throughout Malaysia.
4. Review of Falak Almanac Data;
5. Study of Hilal Observation Study and Sky Brightness in Baitul Hilal Telok Kemang, Port Dickson (JAKIM, 2018).

There are several committees in Falak unit which are part of Sharia branch within JAKIM research branch. The committees are:

1. Technical Committee of Islamic Calendar. This committee has the responsibility to provide technical advice in the development of Astronomy in Malaysia which includes (a) validating calendar data before distribution, (b) providing recommendations for the development of Astronomy in Malaysia, and (c) conducting Astronomical studies and providing standardization;
2. Committee of Observation Record Analysis throughout Malaysia. This committee is responsible for verifying the *hilâl* records in all parts of Malaysia to improve the *imkân al-ru'yah* and is also responsible for discussing issues related to the process and observations of *hilâl* as well as helping the state *mufti* to carry out the observation process, provide advice and, record data observation (JAKIM 2018).

Determination of the beginning of the month of Islam in Malaysia is not much different from Indonesia, Malaysia uses the procedure of *ru'yah al-hilâl* which is done in several places and *hisâb*. *Ru'yah al-hilâl* procedure has been

going on for a long time in Malaysia which is begun with the Conference of Malaysia Kings at the 92nd meeting on March 15 and 16, 1972. At the meeting it was agreed that the date systematization for starting fasting, *Hari Raya Puasa* (Eid al-Fitr), and *Hari Raya Haji* (Eid al-Adha) covers all of states in Malaysia. In the earlier period, the dates for these three particular events were under the jurisdiction of each state.

The observation of *hilâl* was first carried out in Malaysia to set the beginning of fasting throughout Malaysia which was done at 29 Sha'ban 1392, October 7, 1972 in Teluk Kemang, Port Dickson, Negeri Sembilan. Since then, the declaration of fasting initiation, *Hari Raya Puasa* and *Hari Raya Haji* was conducted by *Penyimpan Mohor Besar Raja-Raja* (Keeper of the Ruler's Seal) via Radio and Television with the approval of His Majesty the King and His Excellency the Ruler (JAKIM 2018).

The method employed by Malaysia in determining the beginning of the Ramadan, Shawwal, and Dhulhijjah as mentioned above is through *ru'yah al-hilâl* and *hisâb* (Samad et al 2004, 1-15). *Ru'yah* is determined by observations in 29 registered places. Reports from observation officers include facts obtained from observations including weather conditions report when doing *ru'yah al-hilâl*.

Hisab is determined by astronomers from JAKIM in accordance with the criteria of *imkân al-ru'yah*, the feasibility of *hilâl* or the months approved by the Ruling Council. The criteria are based on mutual agreement of KTT (High Level Conference) and MABIMS (Ministry of Religious Affairs of Brunei Darussalam, Indonesia, Malaysia, and Singapore) in the Meeting of the Third Rulers and the Islamic Calendar Committee on 29 Dhulqa'dah 1412 H, June 1, 1992 in Labuan (JAKIM 2018).

From the first time *ru'yah al-hilâl* was conducted until now Malaysia has 22 official places for lunar sightings; this number can be extended. Since doing *ru'yah al-hilâl* in the 1972's until the 2018's, the majority of *hilâl* is not visible in that location based on recorded data in table 1.

Table 1
Ru'yah al-Hilâl Activity Data from 2008-2018

| Date of <i>Ru'yah al-Hilâl</i> | | <i>Hilâl</i> | Place for | Observation |
|--------------------------------|-----------------|------------------|---------------|-------------|
| Masehi | Hijrah | Ramadan /Shawwal | <i>Ru'yah</i> | Decision |
| 31.08.2008 | 29 Sha'ban 1429 | Ramadhan | | Invisible |

| | | | | |
|------------|-----------------|---------|--------|-----------|
| 29.09.2008 | 29 Ramadan 1429 | Shawwal | | Invisible |
| 20.08.2009 | 29 Sha'ban 1430 | Ramadan | | Invisible |
| 19.09.2009 | 29 Ramadan 1430 | Shawwal | | Invisible |
| 10.08.2010 | 29 Sha'ban 1431 | Ramadan | | Invisible |
| 8.09.2010 | 29 Ramadan 1431 | Shawwal | | Invisible |
| 31.07.2011 | 29 Sha'ban 1432 | Ramadan | | Invisible |
| 29.08.2011 | 29 Ramadan 1432 | Shawwal | | Invisible |
| 19.07.2012 | 29 Sha'ban 1433 | Ramadan | | Invisible |
| 18.08.2012 | 29 Ramadan 1433 | Shawwal | Labuan | Visible |
| 8.07.2013 | 29 Sha'ban 1434 | Ramadan | | Invisible |
| 7.08.2013 | 29 Ramadan 1434 | Shawwal | | Invisible |
| 27.06.2014 | 29 Sha'ban 1435 | Ramadan | | Invisible |
| 27.07.2014 | 29 Ramadan 1435 | Shawwal | | Invisible |
| 16.06.2015 | 29 Sha'ban 1436 | Ramadan | | Invisible |
| 16.07.2015 | 29 Ramadan 1436 | Shawwal | | Invisible |
| 05.06.2016 | 29 Sha'ban 1437 | Ramadan | | Invisible |
| 04.07.2016 | 29 Ramadan 1437 | Shawwal | | Invisible |
| 26.05.2017 | 29 Sha'ban 1438 | Ramadan | Labuan | Visible |
| 24.06.2017 | 29 Ramadan 1438 | Shawwal | | Invisible |
| 15.05.2018 | 29 Sha'ban 1439 | Ramadan | | Invisible |
| 14.06.2018 | 29 Ramadan 1439 | Shawwal | | Invisible |

Based on the data above, it can be seen that in 2008-2018, *ru'yah al-hilâl* in Malaysia results in succeeding spotting *hilâl* two times in Labuan. Thus, only 1 out of 29 official places for *ru'yah al-hilâl* that managed to spot *hilâl*, namely Teluk Kemang and Labuan.

The process in determining the beginning of Ramadan, Shawwal, and Dhulhijjah in Malaysia are presented below:

1. The *ru'yah al-hilâl* date is set by the officials of Keeper of the Rulers' Seal Malaysia;
2. JAKIM through the Expert Panel of Falak JAKIM provides the results of data analysis for reference and guidance for the Keeper of the Rulers' Seal Malaysia;
3. The method in determining the beginning of Ramadan 1437 H in Malaysia is done through *ru'yah* (observation) and *hisâb* (calculation) guided by *imkan ar ru'yah* criteria as agreed by states which are the members the Informal Meeting of the Minister of Religious Affairs from Brunei, Indonesia, Malaysia, and Singapore (MABIMS) (JAKIM 2016).

From the process above, it is known that *ru'yah al-hilâl* date is set by the Keeper of the Rulers' Seal Malaysia with the *falak* data prepared by JAKIM

and implemented by the committee appointed by sultan in each state and is done in 29 official places. The result is given back to the Keeper of the Rulers' Seal Malaysia. If *hilâl* is visible, it will be conveyed to the Majesty for approval but if it is invisible, then the Keeper of the Rulers' Seal will refer to *falak* calculation provided by JAKIM Falak Panel Members.

The Consolidation Effort in Determining the Beginning of Islamic Months by Indonesian and Malaysian Governments

1. The Indonesian Government's efforts

One of the actual roles of Indonesian government in consolidation of the beginning of Islamic months' determination was by founding Hisab Ru'yah Agency (a.k.a. *Badan Hisab Rukyat*-BHR). This was first initiated by Ministry of Religious Affairs for keeping the unity and integrity of Islam. This also aimed at bridging the groups that have differences in *hisâb* and *ru'yah*. It was also started from ulama's meeting held by Department of Religious Affairs (now Ministry of Religious Affairs) through deliberation, conference, and others to discuss the things that might cause dispute. Eventually on January 20, 1972, they agreed to found an institution of *hisâb* and *ru'yah* which is then known as BHR (*Badan Hisab & Ru'yah* 1981, 22-23).

BHR's duties and functions were then agreed and decided on March 23, 1972 as follows:

1. It aims at uniting Muslims in determining particular dates such as 1 Ramadan, 1 Shawwal, and 10 Dhulhijjah;
2. Its status is official (under government's regulation) and is under the General Directorate of the Islamic Society Guidance as well as centered in Jakarta;
3. Its duty is to provide advice in determining the beginning of *qamariyah* dates to the Minister of Religion;
4. It consists of one permanent member (core) reflecting three elements, namely the Department of Religious Affairs, Astronomers, and Islamic law experts/*Ulama* (*Badan Hisab & Ru'yah* 1981, 23-24).

In fact, there was already compromise and method formulation agreed by both parties of *hisâb* and *ru'yah* in global or *al-hukm* areas to consolidate the determination of the beginning of *Qamariyah* months (especially Ramadan, Shawwal, and Dhullhijjah). However, up to now, there has never been mutual agreement on specific method. As long as each party

still defends its opinion, it will be difficult or even can never meet the agreement.

Even so, the effort to find the right method and criteria to be accepted by all parties and to remain in *shar'iyah* (religious) and scientific corridors must keep going. One of efforts done by BHR is to create criteria called *imkân al-ru'yah* (*hilâl* visibility). In Dhulqa'dah 1418 H (March 1998), *hisâb* and *ru'yah* experts as well as the representatives of Islam mass organizations hold a deliberation on *imkân al-ru'yah* for Indonesia. The final decision was legalized on Monday 7th Jumadil Akhir 1418 H/September 28, 1998. The decisions are as follows:

1. The beginning of *Qamariyah* month determination is based on the system of *hisâb hakiki tahkiki* and/or *ru'yah*;
2. The beginning of *Qamariyah* month determination related to the performance of *mahḍah* worship, that is the beginning of Ramadan, Shawwal, Dhulhijjah is determined by taking system of *hisâb hakiki tahkiki* and *ru'yah* into account;
3. The *ru'yah* testimony is acceptable if the hilal height is 2 degrees and the distance of *ijtima'* to the sun's *ghurûb* or *hilâl* age is at least 8 hours;
4. *Ru'yah alhilâl* testimony is unacceptable if the height is less than two degrees, in this case the beginning of the month is determined based on *istikmâl*;
5. When the *hilâl* height is 2 degrees or more, the beginning of the month can be set;
6. The above criteria of *imkân al-ru'yah* will further be investigated. All leaders of Muslim mass organizations are ordered to inform this decision;
7. In carrying out *ithbat*, the government listens to various opinions from Muslim mass organizations and experts (Izzuddin 2003).

The existence of *imkân al-ru'yah* criteria in Indonesia is actually adopted from the decision of *Ru'yah* Coordination Committee and the Islamic Taqwim of MABIMS. These criteria are also suggestions of the government in order to unify the differences in *hisâb* and *ru'yah* in Indonesia.

These criteria have several purposes; first, for *ru'yah* experts, to eliminate the possibility number of mistake in seeing *hilâl*. As in 1998/1418 H, PBNU (*Pengurus Besar Nahdlatul Ulama*) rejected Cakung and Bawean's testimony based on MABIMS' criteria because the *hilâl* position was too low. Whereas in 2006/1427, based on *imkân al-ru'yah*, *Lajnah Falakiyah*

(Astronomy committee) NU did not take Cakung and Madura because the *hilâl* was lower than 1 degree (Djamaluddin 2010).

The second purpose is to help *ḥisâb* experts determine whether or not the beginning of months be based on the calculation of *hilâl* position. As in the case in 1998/1418, Muhammadiyah decided to celebrate Eid al-Fitr on January 29, 1998 based on *wujûd al-hilâl*, while Persis did it on January 30, 1998 following MABIMS' criteria. Whereas in 2006/1427, based on *wujûd al-hilâl*, Muhammadiyah celebrated Eid al-Fitr on October 23, 2006, meanwhile Persis was on October 24, 2006 based on *wujûd al-hilâl* throughout Indonesia.

Although this decision has been set together, there are still differences in determining the beginning of the months. This approach indeed requires very long process and time. The thing to be noted down is the main successful factor is being open-minded and understanding toward various thoughts and opinions of many parties and setting the egoism apart.

2. The Malaysian Government's Efforts

Although called as an Islamic country, Malaysia also faces differences in determining the beginning of Ramadan, Shawwal, and Dhulhijjah. Based on the data findings conducted by Iknor Azli Ibrahim et al., there are several groups which usually have different opinions and there are also several underlying factors. The parties involved are (Ibrahim, Najib, and Safiai 2016):

- Persatuan Islah Perlis
The community leader of this community argue that there is no hadith ordering to perform *ru'yah al-hilâl* in determining the Eid al-Adha. Therefore, *ru'yah al-hilâl* is not necessarily needed for other countries including Malaysia. The determination must follow the *ru'yah* in Saudi Arabia.
- Jemaah of Ustaz Mohd. Razib bin Mohd. Aris
Ustaz Mohd. Razib bin Mohd. Aris is a diploma graduate and was educated in a Pesantren in Kelantan where he learned Astronomy. His lesson activity was conducted after teaching in school. He was also known as one of prominent leaders of *tabligh jama'ah*. In determining the beginning of Islamic months, he only employs *ru'yah*. However, his surrounding society does not directly follow his decision but still refers to royal's decree. His decision is only followed by his own *jama'ah tabligh*.
- Jemaah Imam Jaafar bin Omar

In 1988, the news reported that around 2,000 people celebrated Eid al-Fitr one day after the appointed day. This happened in three villages in Sabah Bongawan area: Kampung Tanjung Giuk, Kampung Padang and Kampung Siladang.

In determining the beginning of Ramadan and Shawwal, Muslims in Bongawan uses *Hisâb Arba'iyah* determined by the selected *Imam* in local community. After Sabah was freed and joined with Malaysia, they followed the regulation of *Yang Dipertuan Agong* (His Majesty). However, the elders in this area still stick to the ancient rules.

- The group in Falak Shar'i Unit Report, Johor Mufti Department Based on the report of Mufti Department of Johor, there were several individuals and communities that were not in line with the Malayan's Keeper of the Rulers' Seal (*Penyimpan Mohor Besar Raja-Raja*) in issuing the beginning of *Hijriah* months. According to this report, from 1995 to 2003, the number of these people in Johor is not that much.

There are recorded data (table 2) regarding the number of individuals and groups who did not follow the decision of Johor government.

Table 2
Individuals or groups who did not follow Johor government's decision

| YEAR | INDIVIDUALS / GROUPS | ERROR | PLACE |
|------|---|-----------------------------------|-----------------------------------|
| 1995 | None | None | None |
| 1996 | Residents of Taman Ungku Tun Aminah 10 families (50 people) | Start the Feast and Fasting Early | Skudai Johor Bahru |
| 1997 | Jema'ah Masjid Taman Universiti (20 people) | Slow fasting day | Skudai Johor Bahru |
| 1998 | None | None | None |
| 1999 | Jama'ah of Masjid Taman Seri Pulai | Early Eid Al-Adha | Skudai Johor Bahru |
| 2000 | None | None | None |
| 2001 | Some Madrasah Teachers Lukman Hakim | Early Eid Al-Adha | Ulu Tiram Johor Bahru |
| 2002 | Some Surau Bulatan Jama'ah (Ustaz Mohd. Razib bin Mohd. Aris) | Slow Fasting and Eids | Majidee Malay Village Johor Bahru |
| 2003 | Some Surau Bulatan Jama'ah (Ustaz Mohd. Razib bin Mohd. Aris) | Eid al-Adha one day slower | Majidee Malay Village Johor Bahru |

There are some factors causing these differences in the aforementioned parties:

1. The difference in Determination Rules

The main factor in the difference of the beginning of *Hijriyah* determination is because of the dissimilar enactment. The difference in rules and implementation in the field starts from the differences in understanding and interpreting the meanings of Qur'an verses and hadith related to the beginning of *Hijriyah*. In general, from these different understandings, three rules were born in determining the beginning of Ramadan, Shawwal, and Dhulhijjah, namely: *ru'yah al-hilâl*, *hisâb falak* and *hisâb* by using *imkân al-ru'yah* criteria (*hisâb* in determining the appearance of *hilâl*).

Regarding the determination of Eid al-Adha, besides the three rules above, there is also an opinion stating that the determination is not based on *ru'yah* but on the date of *wukuf* in Arafat. In other words, the determination of Eid al-Adha is based on the announcement of the Kingdom of Saudi Arabia. Therefore, the celebration of Eid al-Adha in Malaysia must be the same with the decided time in Saudi Arabia (M.d Adnan and Md. David 2001).

2. The mere use of *hisâb* rules

Tan Dato' Prof. Abdul Jalil Hassan expressed his opinion related to the system *ru'yah al-hilâl*. According to him, in modern times *ru'yah al-hilâl* is not suitable and must be replaced with *hisâb* system because it is more adequate and more perfect than *ru'yah*. This is because of the advancement in the field of Astronomy and Ulama allows using *hisâb* in determining the *hilâl*.

The community using this rule has not yet been found, but according to the report of Shar'i Falak Unit, Mufti Department Johor, their existence is proven. The rule of *hisâb* used is *wujud al hilâl*. People employing this rule are migrants from Indonesia in Malaysia or students who once studied in Indonesia. They are the followers of Muhammadiyah that are very influential in Indonesia. Muslims are mostly affiliated in two largest Islamic organizations, namely Nadlatul Ulama and Muhammadiyah. This Muhammadiyah community believes in *hisâb* system and rejects *ru'yah*.

3. Rule of Referring to *Wukuf* at Arafat

Malaysia has applied this rule in determining Eid al-Adha in 1970. In 1984, Malaysia has accepted the rules decided in the Istanbul Resolution

1978, namely the rules of *ru'yah* and *ḥisāb* based on the criteria of *imkân al-ru'yah*.

On May 10, 1995 was the beginning of the Malaysian Kingdom to welcome the feast of Eid al-Adha employing *ru'yah* and *ḥisāb* in the beginning of Dhulhijjah using *imkân al-ru'yah* criteria as applied by other MABIMS countries (Brunei Darussalam, Indonesia, Malaysia, and Singapore).

4. Lack of *Falak* (Astronomy) Knowledge

The lack in shar'i Astronomy, especially in the application of calendar system, is also one factor causing differences in determining the beginning of Islamic months in Malaysia. Without Astronomy, individuals and groups still try determining the beginning and end of Islamic months and this is what triggers the disputes and emerges negative feelings because it is different from the kingdom. This group has fanatic followers that spread their belief to other people. People who are not well-educated in Astronomy will easily accept this understanding (Ibrahim, Najib, and Safiai 2016).

Malaysia tries to keep doing efforts in eliminating the differences in determining the beginning of Ramadan, Shawwal, and Dhulhijjah for the sake of Muslim unity. These efforts are:

1. Institutionalization of MABIMS

MABIMS is a form of regional agreement that moves on the basis of religion to keep Muslim's interests without disrupting the political affairs of countries members. MABIMS was formed on Monday, 5 Muharram 1410 or August 7, 1989. The first meeting was held in Bandar Seri Begawan, Brunei Darussalam. At that time, the meeting was only attended by three Ministers of Religious Affairs from Brunei Darussalam, Indonesia, and Malaysia.

Its vision is "Strengthening unity and making Muslims in MABIMS countries progressive who love peace and harmony and bring grace to the world and become the reference for the development of Muslims in the world." MABIMS' mission is "Increasing the cooperation stage in building Muslims in MABIMS Member (internal) from the aspects of religious endurance and the quality of religious life and socio-economic welfare. Besides, it increases the role of MABIMS in development and humanitarian programs (external) to strengthen the positive image of Islam in the world." The South East Asian countries that are members of MABIMS are Brunei Darussalam, Indonesia, Malaysia, and Singapore.

MABIMS meetings are held every two years (at least one day). It is held in turn among MABIMS members if it is needed or for taking decision.

MABIMS collaboration area is divided into two, namely Strategic and Special fields. The Strategic Field is a cooperation that leads to the vision and mission of MABIMS through strategies designed, agreed, and implemented together. The strategic areas are "Progressive development of religious life through strengthening Islam and *da'wah*; Developing youth potential as a successor generation; Eradicating poverty through empowering the poor; Enhancing human resources through an integrated and relevant Islamic education system; Improving social harmonization of communities through cross religion and cultural understanding; Muslim development outside MABIMS through social and humanitarian programs and promoting understanding and practice of Islam in MABIMS region and the role of MABIMS to the External World." The special field means the cooperation that is specifically implemented for certain fields: "Establishment of virtual offices for MABIMS secretariat; *Ru'yah* reconciliation and Islamic calendar and Hajj management".

2. Establishment of Sharia Law

Based on the documents obtained through literature study, it turns out that states in Malaysia, both peninsula and in Sarawak and Sabah, have Sharia Islamic Energies which contain errors related to the sanctity of Islam and its institutions. Taking different attitude towards the determination of the beginning of Ramadan, Shawwal, and Dhulhijjah by the Sultan who is also the Chairman of Religion, was categorized as a fault that could be sanctioned by law.

The states in Malaysia certainly have legal that can be used as a basis for punishment for anyone and any group that violates this *Jinayah Syariah* Enthusiasm. Based on the legal data, we know that anyone, both individually and in groups who deny the determination of Ramadan, Shawwal, and Dhulhijjah, can be subject to articles of insulting the religious authorities with a fine RM. 1000-3000 or imprisoned 1-2 years or both.

The aforementioned rules do not specifically mention the denial of the determination of the beginning of Ramadan, Shawwal, and Dhulhijjah, but that is categorized as a denial of Chair of Religion's order. In the rule of Negeri Perlis-one of states in Malaysia, it contains denial of the Chair of Religion and there is also a special article relating to the denial of the determination of Ramadan, Shawwal, and Dhulhijjah which is equalized as denying the king's command in Section 28. Enactment No. 4 of 1993 *Jinayah* Enactment in Shara' 1991 Part II about Faults about Denying King's Commandments which states that "Anyone who denies or disregards the

decree of the King of Government concerning the commencement of Ramadhan fasting, Eid al-Fitr, and Eid al-Adha is considered guilty and will be fined not more than RM 1,000 or imprisoned not more than six months or both”.

Besides Negeri Perlis, Negeri Pahang also has the same rules mentioned as ignoring Islamic feasts. In the Enactment No. 11 of 2013 Enactment of Jenayah Sharia Faults, Section No. 16 about the ignorance of Islamic feasts: "Anyone who denies a valid commandment of the Noble Majesty of the Sultan regarding the beginning of Ramadan, Eid al-Fitr, and Eid al-Adha is considered guilty and will be fined not more than RM 2,000 or imprisoned not more than a year or both".

According to one source, the legal rules above are very strict in the real field. However, it does not mean that it is difficult to implement. Those denying the determination of the beginning of Ramadan and Shawwal can be subjected to article regarding respect for Ramadan, so they can be subject to multiple articles. Based on the above exposure, it can be seen that anyone who disagrees with the determination is considered at fault. This fault is related to the pure of Islam and its institution.

Conclusion

The Beginning of Islamic Months (especially Ramadan, Shawwal, and Dhulhijjah) determination between Indonesia and Malaysia has similarities on the aspects of the rules, namely *ru'yah* and *hisab* with the *imkan ar ru'yah* criteria. This is because the two countries are members of MABIMS. The procedure for determining the beginning of the Islamic months is done through *ithbat* held by the Ministry of Religious Affairs. The result was considered as an official government decision. However, the government still respects if there still some who disagree with the decision.

Meanwhile in Malaysia, *ru'yah* is employed in the early stage set by the officials of Keeper of the Rulers' Seal Malaysia. The Falak data is prepared by the Falak Unit at the Department of Islamic Development, the Mufti Members of the States of Malaysia as well as becoming the practitioners. *Ru'yah* is performed in 29 official locations. The results are reported by the appointed officer consisting of Mufti and Falak Experts to be announced.

The efforts made by Indonesian Government related to the unification of determining the beginning of Islamic months were establishing Hisab & Ru'yah Agency (BHR). Besides that, the government through BHR always conducts research and studies through conferences and seminars in

order to find new formulations related to the case so that the agreement is achieved and can be implemented by all elements of Muslims in Indonesia. Meanwhile, Malaysian government attempts to unify it by giving mutual understanding and relying the decision on the King as well as its sanction related to differences in determining the beginning of Islamic months.

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