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ANTI-EXTREMISM FIQH AS RETALIATION AGAINST TERRORISM: AN INTRODUCTION

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Abstract

1The issue of religious violence is indeed the biggest problem that Muslims must face to this date. It has damaged the image of Islam in the eyes of the world. In return, scholarly explanations should be provided to combat the said issue. On that basis, this study aims to provide the answer for the argument in the form of anti-terrorism fiqh. It is directly proposed based on the comprehensive framework of Islamic fiqh. This study presents the definition, rationality, content, and reasons why religious extremism appears in Islam. All these things can also be used as the retaliation for the Salafi jihadism which can also be masked as the basis of religious extremism.

INTRODUCTION

Islam is a very dynamic religion that emphasizes the need of knowledge-based answers when dealing with numerous issues. The response to such issues can be seen from different specifications of fiqh, altered accordingly to every problem (Valčiukas, 2018). Henceforth, the

dynamism of Islamic Law is encompassed by the collection of jurisprudence that are holistic and encyclopedic in nature. Divided into two parts, the first part recollected the compilation of fiqh developed by past jurists for the purpose of the modern-day jurists. The second part comes from the work of present-day jurists that contains the law and methods of resolving different problems faced by the current Muslim community. The examples can be seen in the concept of Fiqh Aqqaliyyah; fiqh guide for Muslims living in non-Muslim countries such as European countries (Dogan, 2015). Another example is the concept of halal and haram in fiqh; fiqh guides the current consumer and service problems. In fact, through the concept of halal and haram, it has raised awareness for the Muslims to use their right as a consumer to boycott western products (Al-Serhan, 2016).

All this evidence shows that the current system of fiqh is dynamic and constantly evolving. Therefore, in the case of religious extremism, it is needed to develop the concept of anti-terrorism fiqh.

DEFINITION OF ANTI-VIOLENCE/ ANTI-TERRORISM FIQH

Fiqh is an in-depth understanding of Islamic laws based on its detailed propositions whether it is naqli or 'qli. While the term anti-terrorism refers to the nature of opposition or disagreement with terrorist activities. In this quest, we can refer to the term extremism put forward by Razak (2018). According to Muhd Imran Abd Razak, extreme means a matter in the beginning or the end of a spectrum. It is exaggerated in nature. This extreme understanding is not only related to religion, but also comprehensible to all aspects of human life across the culture and civilization of mankind (Razak, 2018).

On that basis, anti-terrorism fiqh is a guideline, principle, reference source, research method and evaluation to deal with the issue of terrorism associated with Islam. It can be categorized as a breakdown of fiqh jihad, siyar and crime developed by past jurists. It is refreshed again with new improvements that fit the current reality.

Indeed, anti-terrorism fiqh per se does not yet exist. However, the basic information has already been covered by the jurists in the jurisprudence of jihad, siyar jurisprudence and criminal jurisprudence. Classical and modern jurists do indeed examine this in depth. The most important content of fiqh jihad and siyar consists of; (i) Islamic guidelines governing the philosophy and course of jihad for Muslims; (ii) the conditions and ethics of jihad and (iii) guidelines on misunderstandings and practices of jihad. This issue is indeed related to the violence associated with Islam (Al-Dawoody, 2009).

So, it is suggested that we need to draw the most important essence in the third part of this fiqh of jihad which should be included in its own discipline of fiqh in the name of anti-terrorism fiqh. It can be used as a guideline, philosophy, methodology and problem-solving method to deal with the issue of religious extremism.

This approach is not foreign as it was once done by Yusuf al-Qardawi. He has creatively selected specific Islamic principles that can be used as a formula to solve problems that occur in real life. Which eventually created such concepts like Awlawiyyah Fiqh, Muzawanah Fiqh, Jihad Fiqh, Zakah Fiqh, Medical Fiqh, Broadcasting Fiqh and Halal Haram Fiqh.

RATIONALITY IN CREATING ANTI-TERRORISM FIQH

The need to establish anti-terrorism fiqh began in the United States of America after the event of 9/11. Western Islamic scholars feel an urgent need to correct the bad image of Islam due to the emergence of Islamophobia triggered by the said event (Allen, 2001). This effort led to the birth of an early model of anti-terrorism fiqh. In 2008, Rashad Hussain has stated several points in his report entitled, "Reformulating the Battle of Ideas: Understanding the Role of Islam in Counterterrorism Policy".

First and foremost, is the lack of efficiency given by the Americans in fighting any agenda relating to terrorism. The Americans are advised not to be hostile to Muslims as a whole, but to take advice from Muslim experts regarding the harm done in the name of Islam.

Secondly, is to reject the ideology of terrorists by highlighting the errors possessed by the said ideology. Correspondingly, the ideology of terrorists abused the concept of jihad and takfir which is contrary in Islamic teachings.

Thirdly, is the need to emphasize the fatwas made by Islamic scholars all over the world on the errors of terrorists' ideologies. Among the fatwas in question are fatwas issued by the Fiqh Council of North America, fatwas by 500 British scholars, fatwas by Saudi Arabian scholars and Shaykh Muhammad Afifi al-Atiki (Rashad, 2008).

In many respects, this report proposes the establishment of anti-terrorism fiqh as a tool for counter-ideological efforts to Islamic extremism (Salafi jihadism). It starts from the failure of the American authorities to rightfully address the issue of extremist movements. As they place more emphasis on efforts to use military power but in return, neglect efforts to answer extremist ideologies.

ANTI-TERRORISM FIQH AS A COUNTERTERRORIST TOOL

Terrorism researchers agree that extremist movements are indeed impossible to eradicate. But the Muslim communities can minimize the development of this extreme ideology by doing prudent ideological counters.

Western ideological counter techniques apparently failed to function properly because they only emphasized on military and torture methods on captured extremists (Leuprecht, 2009). The method of kalam has been recorded as the main medium used by Islamic scholars to reject the teachings of heretical philosophy brought by some Muslims (Amin, 2009).

Mohd Hanif (2015) declared that the efforts to combat Muslim extremism is through providing a comprehensive ideological counter model. Among other things, he enunciated that this terrorist counter approach can be done by developing Anti-terrorism Fiqh. Mohd Hanif (2015) and Samuel (1977) stressed that the Islamic ideological counter program should contain several points.

a.   A study of the causes and how extremism exists. The main point to note is that ideology is very difficult to grasp. Although it is intangible, but it can influence one's thinking which may lead to an act of extremism.

b.   A study that emphasized on every detail of extremists' ideology and provides the best refutation.

c.   Provide basic standards or parameters of wasatiyah to observe the errors of an ideology.
d.   Continuous study of every extremist movement that exists.
e.   Avoid the use of simplistic approach to any teachings of extremism.
f.   Think of the best mechanism to embed Islamic answers into the problem of extremism.

Mohd Hanif (2012) has studied and revealed the flaw of Islamic extremists' arguments. Which identified Islamic methodologies and resources (fiqh and tafseerr) that are backed by Islamic extremists. His study of the websites belonging to the jihadists (Al-Qaeda and Daesh) found that the argument of Islamic extremist violence was more focused on some classical scholars consisting of Ibn Taymiyyah, Syed Qutb, Maududi and Ibn Nuhas. The main weakness of their argument is highlighted by:

a.   The mistake of quoting a classical scholar's view outside of context.
b.   The method of text interpretation used by the extremists begins with the use of Salafi jihadism world view as the basis of all arguments.
c.   The absolute rejection of all international political systems founded by western ideology. For example, the division of the world area based on the Pyroit approach was rejected and should be replaced with the concepts of Dar Harb and Dar Islam. It was also followed by efforts to reject the human rights legislation/charter set by the UN, as to replace the past Islamic system in which allowed to take the enemy as a sex slave.

This Anti-terrorism Fiqh is suitable as a basis for the ideological counter program of the extremist movement. This is due to the content of Anti-terrorism Fiqh that will include the issue of world-view extremist thinking. The basis of the extremist movement is Salafi Jihadism. The main strength of this ideology is evident when it is intangible (invisible) but can influence one's thinking. When this happens, it will become the basis of eternal thinking as a belief that is difficult to eliminate. Islam is very concerned about world-view issues circulated. This is proven when Islam stipulates extremism as a definite act that are subjected to halal and haram.

GUIDELINES FOR TERRORISM IN ISLAM

Violence is the beliefs, thoughts, attitudes, feelings, actions, and strategies that are contrary to the customs, religions, and cultures of society. It is an illness that can lead to destruction. Among its features:

a.   Think and act beyond the norms set by the religion and culture of society.
b.   It is considered correct and best defended as a religious claim.
c.   It is held in a dignified manner that considers itself holier than others.
d.   It is accompanied by actions that harm others without caring about the fate and suffering

We can adopt the concept of extremism reviewed by Coleman (2018), a western researcher. Firstly, extremism emerged due to social factors. It is in line with the theory of social movement. One chooses extreme activities in response to the misery experienced. Secondly, extremism is something constructed for a specific agenda. For the extremists, they deliberately

encourage the practice of extremism. For example, they give financial rewards to the families of suicide bombers and spread the news that suicide bombers will be rewarded with martyrdom and the highest level of heaven. Relating to the government, they will portray the enemy or the opposition as extremists to maintain their power.

Thirdly, extremism arises because of the mental and physical oppression experienced by a person. Therefore, extremists will use violent, destructive strategies, not because they are instrumental to attaining other goals, but because they feel righteous, vengeful, and good. In fact, extremism is morally sanctioned by ones in group as an appropriate response to such feelings, members become more invested in extremist acts because they are empowered.

Fourth, extremism is a rational strategy for the sake of gaining power, although it often ignores religious principles. Fifth, extremism was born due to apocalyptic ideological factors; Some of these ideologies are focused on the cataclysmic demise of evil ruling powers (the outgroup) and the elevation and glorification of the righteous (ingroup), and thus emphasize on the destruction of the other. Such belief systems include good vs. evil framing; another worldly orientation; a need for self-purification; divine sanctioning of horrendous violence; and the depiction of martyrdom as an act of self-purification and justice.

Sixth, extremism is due to a specific kind of mental illness though it is little in number. Its sufferers feel triumphant when they can act in extreme nature by destroying others: This perspective views extremism as a disease and a way of life where people look to violence to provide a feeling of liveliness. The lack of identity associated with extremists is the result of self-destructive and self-hatred that leads to feelings of revenge toward life itself, and a compulsion to kill another human being.

Other western scholars noted that extremism can be divided into two. Which is action based, and value based. According to Schmid (2014), religious extremists hold on to several elements:

a.   They have the right to absolute truth. Absolutely reject the concept of pluralism. There is no direct worldview-based truth orientation. Only they are the most pious and good-natured.
b.   Obsession.
c.   Believe in the concept of ideal time (the basis of idealism) which is the foundation. It is the concept of pious Salaf which is an absolute reference for Muslims.
d.   The use of the result justifies the means of a certain action.
e.   Absolutely reject the rules of human law that should be obeyed.
f.   Absolutely denies individual freedom to choose.

CAUSES OF EXTREMISM

According to al-Qardawi, the cause of extremism is the product of ignorance and cruelty. Ignorance is the reason why the closed extremists did not comprehend that there is indeed a diversity of opinions in Islam. Which makes the history and tradition of Islamic intellectuals to be among the best in the world.

Extremism is also a product of cruelty. It was done by the Muslim government who oppressed its people to maintain relations with the infidel powers. As a result, extremists were

taught to take a violent approach. Terrorism occurs because the influence of the scholars was no longer believed by this group.

In addition, the extremists lack good and proper education rather they learn Islam through ancillary sources such as books and the Internet. Extremists referred to teachers who are not equipped with true Islamic expertise. A true scholar in Islam certainly knows that the teachings and sources of Islamic knowledge are not rigid with a single point of view, but it is open to various interpretations. The Prophet also taught that any extreme action should be avoided, it is proven in the history. The Prophet SAW forbid the action of an imam to prolong his prayers until he overlooks the burden that he may place on his makmun.

As claimed by al-Qardawi, Islam only recognizes the approach of bringing about change by gradualism. It is in accordance with the Sunnah, relating to human and natural issues. The question of one's faith must be made gradually, in accordance with the sunnah of nature - all the events of nature do not occur suddenly but gradually. All-natural events require a certain period to reach maturity. The same thing happens to human beings in matters of faith and knowledge.

On that basis he opposed the revolutionary approach brought by the extremists. The demand for the creation of a revolutionary Islamic state has forced and burdened Muslims and non-Muslims with what is beyond their means.

SALAFI JIHADISM AS THE BASIS OF RELIGIOUS EXTREMISM

Salafi Jihadism is the cause of the existence of religious extremism. It is an Islamic teaching that is misinterpreted from Islamic sources. According to Muhammad Ali, Salafi Jihadism is a product of modern times. It resulted from dissatisfaction with the historical developments that took place - later justified with Islamic texts. Salafi Jihadism adheres to several teachings like:

1.   Hakimiyyah Tawhid and Wala Wa Baraah

This monotheism is basically according to the mainstream which is held by Ahli Sunnah Wal Jamaah (ASWJ). They believe that as creatures and human beings, we must believe in Allah and adhere to what is suggested in the Qur'an and Sunnah. Abdul Muis Naharung (2010) stated, there is an addition of a branch in monotheism that is held by this extreme group called Hakimiyah Tawhid. Originally debated by Syed Qutb and has been reworked by Muhammad Abdul Salam Faraj in his book al-Faridhah al-Ghaibah (Obligations that lost) in 1980.

They believe that political sovereignty belongs entirely to God and that man has no right to interfere with the laws of life that God has established. Henceforth, the application of Islamic law in the law of government must be applied in the context of the management of a country (Siti Zubaidah, 2017).

2.   The concept of Qital Jihad

It was perceived as to establish an Islamic government and at the same time defeat the enemies of Islam. Based on this Hakimiyah Tawhid, they believe that the law of Jihad is compulsory

specially to fight against apostate leadership. They are of the view that fighting apostate Islamic leaders is more crucial than fighting the leadership of infidels.

In fighting the infidels, they emphasize that society nowadays is unaware of the power and law of God. Therefore, the law that is contrary to the law of God, that is, the Western law should not be allowed to rule and should be fought against. This group adheres to the evidence from Surah al-Nas, verse 1-3 which means, "Say (O Muhammad) that I seek refuge from God Man" as a description of the concept of Rubbubiyah Tawhid. The second verse which means "the King of Man" explains the concept of Hakimiyah Tawhid which is a king who judges man and the third verse means the Human Worship which is said to explain the concept of Ilah or Uluhiyah Tawhid.

At the same time, there are two contexts separated by this monotheism. Namely the existence of "al-Wala'" which means loyalty and "al-Bara'" which means enmity or denial. This definition is explained by Al-Qahthani that "wala'" is described as permanent and loyal to Allah SWT, His Scriptures, His Prophet, the sunnah of His Prophet and the guidance of His pious servants. On the other hand, "bara'" is derived as avoiding and acting hostile towards taghut and worship other than Allah (Mohamed Ali, 2012). It also includes Muslims adhering to the ideology of nationalism, secularism, and various other national doctrinal thoughts. Which may lead to distort these beliefs of aqeedah al wala 'wal bara' and contribute to the practice of taghut.

According to Green (2009), this view is consistent with the teachings brought by the Kharijites and Salafism. It is in shape of:

a.   The understanding of Islam found in the Quran and sunnah should be literal only, and it should be fully practiced.

b.   Only their views are accepted and anyone who disagrees with them will be declared as infidels and their blood are halal. Even worse, all family members of those who disagree with them are halal in their blood, including women and children.

c.   The area where they live will be considered Dar Islam, while other Islamic area is Dar al-Kufr which must be fought. The entire population of Dar al-Kufr district is polytheistic, regardless of whether they are adults or children.

d.   Whoever commits a major or minor sin continuously will become an absolute infidel and if he dies, he will remain in hell.

e.   The goal of Jihad is to establish the Islamic caliphate system. It is not just an alternative, but an obligation of Syar'i based on the commands and will of Allah. Therefore, every Muslim must obey the will of Allah. Any disobedience is hostile to God's command. Since the legitimacy of the Islamic government is based on the sharia law, then a government that does not comply with the sharia is invalid. Any Muslim government and individual who does not comply with the sharia of Allah will be considered guilty and infidels who are fought using the concept of Jihad.

THE CONCEPT OF TAKFIR

The concept of takfir is the act of disbelieving others as infidels. The term takfir is so negative that all Islamic scholars do not allow themselves to be associated with this term. (Muhammad

Haniff, 2017) It carries the bad implication that the disbelievers will be considered astray and halal their blood to be fought. This reality is emphasized by western researcher Hegghammer (2009) as:

> The delegitimizing force of the term takfiri stems from the very controversial nature of the religious concept of takfir, which signifies the act of declaring a nominal Muslim an infidel. In classical Islamic jurisprudence, takfir is an extremely serious measure that can only be pronounced by qualified religious authorities under very specific circumstances. These restrictions are in place to prevent the privatization and proliferation of the practice of excommunication among Muslims, which would lead to chaos or fitna (sedition). To the broader Muslim public, therefore, takfiri is a clearly pejorative term that connotes rebellion and extremism.

They are required to kill opponents and civilians who conspire with their opponents. In fact, they are more comfortable killing fellow Muslims than killing non-Muslims. Jihad against infidels and those who sympathize them is considered a sacred duty. Therefore, fighting against this group is obligatory for all true believers, which should also be extended to all the public and their interests. It demands a total commitment of loyalty and obedience. For them, a person is seen in terms of his religious status, being in only two circumstances alone: whether Muslim or infidel.

Christians and Jews are considered infidels, and not the People of the Book because of their relationship with the power of Western colonialism and Zionism. They are also intimate with Jewish-Christian conspiracy against Islam and the Islamic world.

Another implication of this Takfir concept is the binary ideology (there are opposing enemies; Dar Harb and Dar Islam). Dar Harb is the absolute enemy of Islam. They are hostile to all new things coming from the west. The West is considered as darul harbi that must be fought and commit atrocities that sacrifice the lives of the people and the assets of society. They strongly encourage their followers to be hostile and fight against all elements of the west (Kippe, 2010).

Basically, Salafi jihadism divides the Muslim community into 4 types (Mohammed M. Hafez, 2010). First, the ruler of a taghut government who is Muslim but does not practice and refuse to adopt the Islamic sharia system. They no longer belong to the category of Muslims and their main crime is to oppose and oppress Muslims who want to implement Islamic sharia in the life of the country. The second type is the apostates who oppose the principle of Al Wala' Wal Bara' (obedient to Islam and free themselves from the infidels). They cooperated with the outside pagan powers. Which consists of security personnel, government employees, police and all parties who want to maintain the taghut government either directly or indirectly. Thirdly is the heretics and mushriks who violated the principle of monotheism brought by Sunni orthodox scholars. Most importantly, it is contrary to what is brought by the Salafis and Wahhabis. This label is given specifically to Shiites and Bahá'ís in Iran, Ahmadi in Pakistan, and Sufis in most of the Muslim world. Finally, true Muslims who support the efforts of the extremists. They do not support the taghut government and avoid from being influenced by western cultural activities. This group refers to the Sunni community in most of the Muslim world.

Correspondingly, for these extremists, the best way to deal with the first group is to fight them to the fullest. Using the Quran, verse 5:44 as their main argument. They should be instructed to repent of the offense and change the policy of the country. In case of failure to do so, infidel status will be imposed. As a result, this first group will be sentenced to death without mercy. In fact, it is a religious responsibility to declare their infidelity. Failure to do so is considered as a great sin.

For the second and third groups, there are three main views. First, it is necessary to avoid disbelieving these two groups even though they tend to support the taghut group. Careful investigation needs to be done before the takfir process. Secondly, it is permissible to disbelieve them in general because they support the taghut government and pagan powers. To the extend, their status is considered the same as the taghut power involved. Even more so, it asserts that anyone who supports taghut and foreign powers is considered infidel and can be murdered. The most vital target are the Shiites who are not entitled to protection as given to the Sunnis.

EXAMPLES OF ANTI-TERRORISM FIQH APPLICATIONS

We can see the application of this Anti-Terrorism Fiqh in several documents issued by Islamic scholars. Among the most relevant are the declarations of Amman (amman message) the work of Muhammad Al-Yaqoubi who rejected ISIL, the fatwa of Muhammad Tahir-ul Qadri and the letter of 126 scholars to Abu Bakr al-Baghdadi the leader of ISIL.

The declaration of Amman (Amman Message) is a document between the Islamic sect and the followers of the world's major religions. The essence consists of the question of who a Muslim is, the rules of fatwa and methods of resolving conflicts in religion. Muhammad al-Yaqoubi's book, Refuting Isis (2015) also discussed on answering the ISIS ideology. It focuses on the ideology and practices by ISIL.

An open letter to Baghdadi was written by 126 scholars around the world in September of 2014, criticizing ISIL. Meanwhile, Muhammad Tahir-ul Qadri's fatwas was launched by Minhaj-ul-Quran (MQI), an international NGO based in Lahore, Pakistan. It focuses on terrorism and suicide bombings (Qadri, M. T.-u., 2010).

In all these documents, not only does it reject terrorism in the name of Islam, but also seeks to cover up any Islamic principles from being misused by extremists; only to denounce terrorism in the name of Islam, is promoted as the only fatwa that removes all caveats or loopholes that would allow extremist ideologues to employ Islam in the name of violence (Syversen, 2018).

a. In all these documents there is a description of the issue of religious extremism:
b. The importance of the Islamic worldview in understanding Islam and rejecting elements of extremism.
c. Manners of disagreement among Muslims- rejection of self-truth claim approach.
d. Dialogue approach between Islamic sects and dialogue between religions.
e. The nature and characteristics of extremism.
f. Deviation from the Islamic methodology used by the extremist movements.
g. Khawàrij as the basis of religious extremism.
h. The principle of extreme movement - takfir, caliph, wala wa baraah.

i.   Forms of wrongdoing committed by extremists - jihad ethics.

j.   The importance of applying the correct methodology in the context of the modern world such as Fiqh Waqi ', Awlawiyyah and Muzawanah.

The analysis of the letter made and compiled by 126 scholars to the Daesh leaders contained some key points involving the manhaj adab ikhtilaf and details of ISIL's practical conflict with Islam (Ella Landau-Tasseron, 2015). For the manhaj, this letter has used a careful and civilized language and style - in accordance with the ethics of Islam. Secondly, it has the understanding in the nature of the person he encounters. In this case, a follower of the Salafi Jihadism who adheres to the philosophy of literalism and rejects sects in Islam. This can be detected when it refers directly to the Salafi manhaj which uses the text of the Quran and Sunnah. For Salafis, one should adhere to the text of the Quran and Sunnah literally, because the intellect is relative which will make an interpretation biased. Only a handful of Salafis used the views of the jurists. Selectively, Salafis only favors the views of honorable jurists such as Imam Shafii', Imam Malik, Imam Ghazali and Ibn Wāyyah. Thirdly, it emphasizes the versatility in discussing differences of opinion in Islam. Fourthly, there is a description of the method of Usul Fiqh in Islam, that a mufti must be qualified with academic and moral conditions to issue a fatwa. Fifth, there is evidence of the disadvantages of free takfir. Sixth, is the importance of applying Fiqh Nusus, Fiqh Waqi and Fiqh Maqasid. Among them is the mistake of understanding sharia in a juz'i without understanding it in kulli. It also includes the selection of Quran and Sunnah that are in line with the ideology of jihadists.

For the details of ISIL's practical conflict with Islam, a few things are explained. First, is that the concept of jihad does not stop at Qital jihad alone. Second, is the error in the concept of the sword verse in general. Third, is the ethics of jihad which includes right intentions, goals and focus of jihad. Fourth, the details of offenses that violates ethics and manners of jihad such as the offense of killing civilians, envoys, journalist and humanitarian workers; damaging a friend's grave; rejecting asabiyyah - one's submission to citizenship in a particular country and one's compulsion to embrace Islam.

TERRORISM AS HIRABAH

The term terrorism does not exist in Islamic fiqh literature. This is because it is a new issue that arises in modern times. However, the issue of terrorism made in the name of Islam is wrongly discussed by the jurists (Mehdi Abedi and Gary Legenhausen, 1986). It involves the first terrorist group, the Khawarij. The legal basis for hirabah is stated in this Quranic verse that reads:

"Indeed, the retribution of those who fight against Allah and His Messenger and do mischief on the earth, only they are killed or crucified, or their hands and feet are cut off back [414], or expelled from the land (their abode). That is a humiliation for them in this world, and in the Hereafter, they will have a great punishment". (Qs. Al-Maidah (5): 33.

Based on the above sentence, the punishment for hirabah is quite severe, according to the level of offense committed. It consists of four types of punishment; whether killed, crucified, amputated hands and feet crossed and exiled (Nik Rahim, 1996)

The jurists have adopted an open approach in interpreting this verse. Modern scholars such as Hashim Kamali and Dawody say that terrorism can be compared to hirabah. Hashim Kamali states that classical jurists discuss the issue of hirabah at length because of the form of destruction brought by hirabah offenders namely: first, killing lives; second, intimidating to the point of causing one to feel insecure and thirdly to use force by using weapons. According to Hashim Kamali since the details of the hirabah offense are included in the scope of fiqh (jurisdiction of ijtihad), modern jurists can perform ijtihad by equating the offense of terrorism with hirabah. This is because all hirabah offenses are owned by terrorism. Hashim Kamali also noted that the characteristics of hirabah decided by classical jurists should be supplemented with new ijtihad by current jurists. This new ijtihad is in the form of adding new features of terrorism to complement hirabah offenses. In this way, Islamic law can face the current problem of terrorism (Mohammad Hashim Kamali, 2017).

Mohammad Zakaria (2018) said, apart from the characteristics of hirabah set by the jurists of the past, we need to include the current terrorism offenses for modern day hirabah. In many cases, it turns out that the current terrorist offenses are even worse than the old offenses. Among the new features of modern-day hirabah or terrorism are: Firstly, terrorists do not even know the oppressed civilians because their enemies are the government. So, they oppress the public arbitrarily without a concern that the oppressed is guilty or not.

Secondly, the main goal of terrorism is to achieve political and ideological agenda. The goal is to bring as much damage as possible. Thirdly, terrorism uses violent techniques that are strongly opposed by the Quranic text and Sunnah. In fact, these tactics of violence are constantly changing over time - but their nature is getting worse. In this regard, modern scholars include certain errors in the category of hirabah. It includes drug trafficking, pirates, hijackings and public communication systems, nuclear weapons, toxic gases and so on (Al-Shabani, 2015). As for Muhammad Munir (2011), he stated that terrorism belongs to the worst category of hirabah. Islam teaches its followers to go against any acts of terrorism due to a few reasons: first, criminal offenses in Islam belong to 3 rights that are the rights of Allah, individuals, and society. The rights of Allah belong to the offense of hirabah which must be sentenced to death. Meanwhile, the rights of individuals that are emphasized by qiyas, is to protect the fate of individuals from being invaded. Finally, are the rights of society - which is the responsibility of the head of state to ensure a peaceful atmosphere. From this, we can see that acts of terrorism violate all three rights at once.

Muhammad Munir gave an example of a bomb action in a shopping mall. The extremist will commit three mistakes at once; i) it commits hirabah - offenses and punishments set by the Quran; ii) it injures and kills innocent individuals or civilians and iii) it undermines peace in society by instilling anarchy and extreme fear. As a result, the mall will be closed and people are casted with terror thus, it will affect the socio-economy of a country.

Secondly, terrorism in the name of global jihad is basically violence to all human beings. It is not just about fighting and wanting to overthrow a government, but the aftermath is projected to the world. This is because they think the whole world does not comply with the Sharia of Allah.

Thirdly, is the goal of terrorism held by the followers of the Salafi Jihadism is to fight the disbelief embraced by non-Muslims. This is indeed a big mistake that is contrary to the Quranic text and the sunnah of the Prophet. Disbelief is not a reason for allowing jihad in Islam. Jihad is only allowed to defend oneself and fight the tyranny perpetrated by non-Muslims. Among the reasons are:

a.   The reason why Rasulullah SAW imposed jizyah payment for non-Muslims. It allows them to live and practice their religious beliefs peacefully.

b.   The reason why Rasulullah SAW projected good service, as well as forgiveness to prisoners of war.

c.   The reason why there are conditions of war in Islam that prohibit the killing of civilians, children, and non-Muslim members.

d.   Most importantly, Muhammad Munir quoted various views of Islamic scholars who asserted that non-Muslims should not be punished in this world because of their disbelief. Instead, they will be punished later in the Hereafter. There are 3 verses of the Quran that explain this; Quran 2: 190, 18:29 and 10: 99.

CONCLUSION

To fight extreme narratives and ideologies, we need to establish Anti-terrorism Fiqh. It can be used as a foundation for this purpose. The content of Anti-terrorism Fiqh has all the whys and wherefores of extreme ideology. It involves the process of recognizing the characteristics of extremism, the wasatiyyah approach in dealing with extremism and some examples of the application of Anti-terrorism Fiqh used by Muslims.

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